

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 5, 2003
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Lakshmi Kambampati, Hindu, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of July 22, 2003, and the special meeting of July 31, 2003, were approved 7 to 0.

AWARDS AND PRESENTATIONS

SERVICE CITATIONS Distinguished Service Citations were presented.

PUBLIC AGENDA

Edward Adkins Edward Adkins-Neighborhood Drug Problems.

Mr. Adkins said he had reason to believe a residence in his neighborhood was involved in making drugs available to the public. Mr. Adkins asked for Council guidance in obtaining a real estate tax abatement to reflect the decline in property value as a result of the perceived drug problem.

Shukura Sentwali Shukura Sentwali-City Audit.

Ms. Sentwali urged approval of an outside audit of the City regarding contracts, CDBG funds, etc. The City is not making sure existing businesses can stay in Kansas.

UNFINISHED BUSINESS

CON2003-15 **CONDITIONAL USE FOR WRECKING/SALVAGE YARD, ON PROPERTY ZONED
GENERAL INDUSTRIAL - NORTH OF 21ST NORTH, EAST OF BROADWAY-700 EAST
21ST STREET NORTH. (DISTRICT VI)**

John Schlegel Director of Planning reviewed the Item.

Agenda Report No. 03-0718A.

MAPC Recommendation: Approve the entire property subject to platting within one year and subject to conditions recommended by staff, except that a screening fence not be required on a portion of the east side. (11-1-1)

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 473

DAB Recommendation: Approve an expanded portion of the property subject to platting within one year and subject to conditions recommended by staff, except that a screening fence be required only on the south and west sides. (7-4)

Staff Recommendation: Approve a portion of the property subject to platting within one year and subject to conditions.

The applicant is requesting a Conditional Use amendment to permit the expansion of an existing wrecking/salvage yard permitted by CU-431, which was approved by the MAPC on May 15, 1997, for a 1.7 acre unplatted tract located north of 21st Street North and east of Broadway at 700 E. 21st St. N. The applicant is requesting to expand the existing wrecking/salvage yard to the extent that the area approved for the wrecking/salvage yard would increase from 1.7 acres to 45.43 acres. The subject property is zoned "GI" General Industrial, and a wrecking/salvage yard may be permitted by a Conditional Use in the "GI" district.

The surrounding area is characterized by heavy industry, with many resource-based industrial uses in the immediate vicinity. All of the properties surrounding the subject property are zoned "GI" General Industrial. Major uses in the vicinity of the subject property include: petroleum storage and refining and wrecking/salvage to the east; grain storage and wrecking/salvage to the north; meat product processing to the west; and wrecking/salvage to the south. The other existing wrecking/salvage operations in the vicinity pre-date the Conditional Use requirement for wrecking/salvage and are non-conforming uses.

The existing wrecking/salvage yard on the subject property has expanded in violation of the zoning regulations. The existing wrecking/salvage yard presently occupies approximately 10 acres of the subject property rather than the 1.7 acres permitted by CU-431, thus necessitating the application for the Conditional Use amendment. The applicant's site plan shows the current extent of the wrecking/salvage yard, which is located south of the southern-most "Phase Line." The site plan shows that the applicant proposes three additional expansion phases, for a total wrecking/salvage operation of 45.43 acres.

The applicant submitted a letter dated May 12, 2003, in which the applicant enumerates the proposed conditions under which the wrecking/salvage yard would operate. For the most part, planning staff finds the proposed conditions acceptable and is recommending only minor wording changes to the conditions so that the wording of the conditions is consistent with other recently approved wrecking/salvage yards. However, planning staff does not support three aspects of the applicant's proposal.

First, the number and scale of less-desirable, resource-based industrial uses in the vicinity already presents significant obstacles to the development or redevelopment property in the area. Planning staff is concerned that if the entire subject property were to become a wrecking/salvage yard, the character of the area would further lean toward exclusive use for wrecking/salvage, which would even further hinder the development or redevelopment of adjacent properties with more desirable, employment based industrial uses. Wrecking/salvage uses are generally considered an under utilization land because the property does not contain any building improvements or generate significant employment numbers to further the development and quality of life in the community. Also, such uses tend to cause environmental problems in an area where environmental problems already exist and a major environmental clean-up effort is under way. Therefore, planning staff recommends that the Conditional Use amendment permit expansion of the wrecking/salvage yard only to the area currently used and approximately the eastern one-third of the applicant's proposed first phase.

The second aspect of the applicant's proposal not supported by planning staff is the applicant's proposal to provide a screening fence only along the south end of the wrecking/salvage yard. Section III-D.6.e.(3) of the Unified Zoning Code (UZC) requires that a wrecking/salvage yard be entirely enclosed by an eight-foot high solid screening fence, even when adjacent to non-residential uses. The nature of a wrecking/salvage operation is such that it can have a significant negative impact on even commercial/industrial uses and, therefore, the UZC requires screening of a wrecking/salvage yard from all uses. Since the UZC requirement for wrecking/salvage yard screening is a Supplementary Use Regulation,

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 474

the requirement can be waived by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff does not recommend waiving the screening requirement.

The third aspect of the applicant's proposal not supported by planning staff is the applicant's proposal to display salvaged vehicle parts so that they are visible above the screening fence from 21st Street North. The current Conditional Use prohibits this practice as does the UZC; however, the applicant currently displays salvaged vehicle parts in violation of the zoning regulations. As with the screening fence, only the City Council can permit the applicant's proposed display of salvaged vehicle parts, but planning staff does not recommended granting the requested waiver.

No citizens either in favor or in opposition to the request that appeared at the hearings on the request. At the DAB 6 hearing on June 2, 2003, the DAB voted (7-4) to recommend approval for an area larger than recommended by staff but less than requested by the applicant subject to platting within one year and subject to the conditions recommended by staff except that a screening fence be required only on the south and west sides of the property. At the MAPC hearing on June 5, 2003, the MAPC voted (12-0) to recommend approval for the entire application area subject to platting within one year and subject to conditions recommended by staff, except that a screening fence not be required on a portion of the east side. The conditions of approval recommended by the MAPC are:

1. The Conditional Use shall authorize the operation of an iron, metal, and auto wrecking/salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.

2. Within 30 days of approval of the Conditional Use by the governing body, all portions of the subject property currently containing wrecking/salvage shall be entirely enclosed by a fence. The fence shall be a white metal panel screening fence not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence, except for along the eastern most property line adjacent to the drainage channel and railroad tracks and south of the excluded area shown on the approved site plan where a minimum 6-foot high chain link security fence shall be permitted. Prior to wrecking/salvage operations expanding onto any portion of the subject property permitted for such use said fence shall be erected to entirely enclose the expanded area. Access gates shall be permitted in the fence, but all gates shall remain closed unless in use. No wrecked vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the fence.

3. The height of wrecked vehicles or salvage, including vehicle parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.

4. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the Environmental Health Department to prevent rodent harborage and breeding.

5. The applicant shall maintain at all times an active program for the eradication and control of rodents.

6. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.

7. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.

8. Access to the subject property shall be provided for an environmental investigation. Expansion of the wrecking/salvage operation beyond the current limits of the operation shall not occur for a period not to exceed six months from the date of approval of the Conditional Use by the MAPC or governing body, as applicable, to allow time to complete said environmental investigation. The applicant shall permit on-going inspections of the site for soil and groundwater contaminants by the Environmental Health Department and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells or permit geo probes on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by the Environmental Health Department.

9. Notification shall be given to the Environmental Health Department of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 475

hazardous wastes or materials shall be placed on file with the Environmental Health Department. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Health Department.

10. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface and ground water.

11. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.

12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Since the MAPC recommended modifying the Supplementary Use Regulation of the Unified Zoning Code that requires a screening fence on all sides of a wrecking/salvage yard, City Council consideration of the request is required, as only the City Council can waive or modify a Supplementary Use Regulation through the approval of a Conditional Use.

On July 1, 2003, the City Council considered the Conditional Use request and voted (6-0) to return the request to the MAPC for reconsideration. On July 10, 2003, the MAPC voted (11-1-1) to recommend approval of the request subject to the same conditions recommended on June 5, 2003.

Discussion Discussion was had regarding prevention of future violations, proximity to the Gilbert and Mosley, and North Industrial Corridor sites, and whether or not monitoring wells should be placed on the site and bonding be required.

Motion -- Fearey moved that this Item be deferred one week to allow Staff time to check with other government entities regarding possible bonding requirements for remedial conditions in case of contamination; --carried and the Resolution be adopted. Motion carried 7 to 0.

OFF AGENDA ITEM **WORKSHOP AGENDA ITEMS FOR AUGUST 26, 2003.**

Motion -- carried Fearey moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried 7 to 0.

Motion -- Fearey moved that the Council Workshop on August 26, 2003, include discussion on the 21st Street Corridor (I-135 to Broadway), and what is happening to the Midtown Plan (Broadway to Hood). -- carried Motion carried 7 to 0.

NEW BUSINESS

(The Council proceeded to take up Item No. 6; action is shown in Agenda order.)

IRBS **TAXABLE INDUSTRIAL REVENUE BONDS, SERIES V, 2000 AND SERIES III 2002-BIG DOG MOTORCYCLES PROJECT: CONSENT TO EASEMENT. (District I)**

This Item was pulled from the Agenda.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 476

TAX CREDIT APP. PUBLIC HEARING-INVESTMENT RESOURCES CORPORATION, INC.; RESOLUTION OF SUPPORT FOR LOW-INCOME HOUSING TAX CREDIT APPLICATION. (DISTRICT I)

Mark Stanberry Acting Housing Services Director reviewed the Item.

Agenda Report No. 03-0789

Investment Resources Corporation, Inc., (IRC) has requested a Resolution of Support from the City Council, in connection with an application for Low-Income Housing Tax Credits (LIHTC's) to be submitted to the State of Kansas. The State of Kansas requires project developers/owners to obtain a Resolution of Support from the local government, when applications are submitted for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted LIHTC policy, project developers/owners must present proposed projects to the applicable District Advisory Board (DAB). A subsequent review is required by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). In addition, The Planning Department and the Office of Central Inspection review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing with a recommendation regarding the requested Resolution of Support.

The Shadyway Plaza Tower Apartments are located at 1421 N. Spruce. The apartment complex contains 100 units of one-bedroom apartments that are approximately 500 square feet in size. All apartment units feature fully equipped kitchens. The common areas offer a community room, laundry facilities, a small park, recreation rooms on each floor, and on-site parking. The renovation of the building exterior will include roof replacement, replacement of entry doors, the addition of an automatic door, new wrought-iron fencing to eliminate walk-through traffic, an entrance canopy, improved lighting, security system upgrades, sidewalk repair, parking lot re-paving, new windows and screens, entrance ramps, and landscaping improvements.

The City's adopted tax credit policy requires a set-aside of 20% of the apartment units for market-rate tenants. However, the policy provides for a waiver of this requirement in the event that the project is designed to serve special needs populations, such as citizens with disabilities or senior citizens. In this case, IRC has requested waiver of the 20% market-rate unit requirement, because the project will only serve senior citizens.

The project has been reviewed by the Housing Services Department, and has received recommendation for adoption of the Resolution of Support from the DAB, the HAB and the DCC, with waiver of the 20% market-rate unit requirement. Further, in accordance with City council Resolution No. R-95-479, IRC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment on the project.

Low Income Housing Tax Credits will be one component of the financing package for the proposed project. The City will not be participating in the project financing.

City Council Resolution No. 95-479, requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document will be approved as to form by the City Law Department.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion -- Mayans moved that the public hearing be closed and the Resolution of Support for IRC's application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement be adopted. Motion carried 7 to 0.

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 477

RESOLUTION NO. 03-407

A Resolution establishing support for an application for low income tax credits, as required by the Stat of Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STARKEY INC.

PUBLIC HEARING-STARKEY, INC., RESOLUTION OF SUPPORT FOR LOW-INCOME HOUSING TAX CREDIT APPLICATION. (DISTRICT IV)

Mark Stanberry

Acting Housing Services Director reviewed the Item.

Agenda Report No. 03-0790

Starkey, Inc. (Starkey), has requested a Resolution of Support from the City Council, in connection with an application for Low-Income Housing Tax Credits (LIHTC's) to be submitted to the State of Kansas. The State of Kansas requires developers to obtain a Resolution of Support from the local government, when applications are submitted for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted LIHTC policy, developers must present proposed projects to the applicable District Advisory Board (DAB). A subsequent review is required by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). In addition, The Planning Department and the Office of Central Inspection review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing with a recommendation regarding the requested Resolution of Support.

The proposed project will be located on land owned by Starkey, near the southeast corner of Douglas Avenue and Anna Street. The project will offer 15 one-bedroom apartment units. One of the units will be set-aside for a staff member who would reside on site in the evenings, overnight, and on weekends. All units will have central heating and air conditioning and kitchen appliances. The project will feature common areas, a laundry facility, and a safe room. Starkey will market the apartment development to adults with developmental disabilities, with average incomes of \$6,700 and plans to lease the apartments for approximately \$150.00 per month, plus utilities expense.

The City's adopted tax credit policy requires a set-aside of 20% of the apartment units for market rate tenants. However, the policy provides for a waiver of this requirement in the event that the project is designed to serve special needs populations, such as citizens with disabilities. In this case, the Developer has requested waiver of the 20% market-rate unit requirement, because the project will serve individuals with disabilities.

The project has been reviewed by the Housing Services Department, and has received recommendation for adoption of the Resolution of Support from the DAB, the HAB and the DCC, with waiver of the 20% market-rate unit requirement. Further, in accordance with City council Resolution No. R-95-479, the Developer has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment on the project.

Low Income Housing Tax Credits will be one component of the financing package for the proposed project. The City will not be participating in the project financing.

City Council Resolution No. R-95-479 requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document will be approved as to form by the City Law Department.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 478

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
-- carried

Gray moved that the public hearing be closed and the Resolution with waiver of the 20 percent market-rate requirement be adopted. Motion carried 7-0.

RESOLUTION NO. 03-408

A Resolution establishing support for an application for low income tax credits, as required by the Stat of Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

(Item No. 6)

BUDGET

2004 ANNUAL OPERATING BUDGET AND 2005 BUDGET REVISIONS

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Unidentified Speaker

Asked that hearings be held before taxes are increased.

The following speakers asked for re-evaluation of removing SRO positions from the schools:

Kevis Harding

Gaylon Davis

Judy Rapp

Mark Christian

Cheryl Logan

Karl Peterjohn

Mr. Peterjohn suggested the Council look at the School budget before being swayed. Mr. Peterjohn also suggested the City look at the increased expense for the Ice Rink.

The following speakers urged the Council not to increase rental car tax:

Mindy Dodd, Enterprise

Richard Kirkham, Hertz

Eve Christmann, National

Willie Burton

Mr. Burton expressed concern regarding cost overruns.

No additional action taken on this Item.

MEMORIAL

LAW ENFORCEMENT MEMORIAL

Norman Williams

Chief of Police reviewed the Item.

Randy Landen

Police Captain gave a Power Point presentation.

Agenda Report No. 03-0791

The Law Enforcement Memorial Committee of Sedgwick County, Inc, (LEMC) is comprised of representatives from the Police Department, Sheriff Office, and community representatives (appointed by Chief Williams and Sheriff Steed in January of 2002). The LEMC requests the establishment of a permanent memorial on the southwest corner of Central and Main, at 455 N. Main - on the grounds of the City Hall - to honor local law enforcement officers killed in the line of duty within Sedgwick County.

The Law Enforcement Memorial has been specifically designed for the requested location by local artists and architects. Homeland Security considerations were, according to the committee, incorporated into the design of the site, offsetting costs to the City.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 479

The proposal and site plans were presented to the Development Coordinating Committee (DCC) and the Design Council. The DCC reviewed the proposal on June 15th and agreed that the memorial was appropriate but that the suggested and location when security issues were being contemplated, was not a good location for the memorial. The Design Council (June 19th) recommended that other sites be explored within the city/county government center.

The City Council will, in the near future, be requested to retain the services of a security and architectural consultant to develop plans for the City Hall grounds and lobby area - in conjunction with Homeland Defense and Security Planning. Before a site is actually designated, it would seem appropriate for the work of these consultants be completed to ensure such a memorial would not conflict or compromise the overall security issues to be address.

The LEMC No City funds will be required to complete the project and costs associated with the memorial design,, construction and installation will be the responsibility of the LEMC. The LEMC will establish an escrow account equal to ten percent (10%) of the cost of the memorial to fund future maintenance to the memorial. The LEMC is requesting the City's assistance with groundskeeping and mowing around the memorial.

The LEMC understands that this request is for preliminary permission to locate the memorial on the proposed site. The LEMC will bring this item back for your final approval once fundraising efforts have been completed and material selections finalized. The LEMC anticipates fundraising efforts will take approximately 18 months to complete.

The committee is incorporated as a 501(C)3 not for profit corporation in the State of Kansas. The LEMC will enter into a contract with the Wichita Community Foundation to manage income and expenditures related to the memorial.

The following persons spoke in support of the memorial and of placement at the northeast corner of City Hall:

Frank Garafalo
Unidentified speaker
Terry Newman

Motion --
--carried

Mayans moved that the memorial and placement at the northeast corner of City Hall be approved, subject to Homeland Security considerations. Motion carried 7 to 0.

UNSAFE STRUCTURES REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 03-0792.

On June 17, 2003 a report was submitted with respect to the dangerous and unsafe conditions on four (4) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on August 5, 2003. Due to a newspaper publication error, one property was not published in a timely manner, as required by State Statute, and has been put back on the

The remaining three (3) properties are presented below.

On June 2, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

Property Address	Council District
a. 131 S. Kessler	IV
b. 1604 N. Lorraine	I
c. 942-44 N. Glendale	I

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 480

Pursuant to State Statute the Resolutions were duly published twice on June 20, 2003 and June 27, 2003. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to speak and no one appeared.

Motion --

Mayans moved that on Items b and c the public hearing be closed, the Resolutions declaring the buildings dangerous and unsafe structures be adopted, and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of August 5, 2003; (2) the structure(s) has/have been secured as August 5, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of August 5, 2003 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 03-410

Resolution finding that the structure described as: Lots 6-8, Lorraine Avenue, Woodridge Place Addition, Wichita, Sedgwick County, Kansas, commonly known as 1604 North Lorraine, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-411

Resolution finding that the structure described as: Lot 3, Block 2, East Highland North Addition, Wichita, Sedgwick County, Kansas, commonly known as 942-944 North Glendale, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

a. 131 S. Kessler.

Kurt Schroeder

Central Inspection Superintendent reviewed the Item and said a new owner had purchased the property, mowed and cleaned the premises, requested 60-days to complete exterior repairs, and would pay the taxes and special assessments within one week.

Motion --

Mayans moved that on Item "a" the public hearing be closed, the Resolutions declaring the buildings dangerous and unsafe structures be adopted, and the staff recommended action to allow 60 days to complete exterior repairs be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of August 12, 2003; (2) the structure(s) has/have been secured as August 5, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of August 5, 2003 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 03-409

Resolution finding that the structure described as: North 63 ½ feet, Lot 11, Kessler Park Addition, Wichita, Sedgwick County, Kansas, commonly known as 131 South Kessler, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 481

WASTE TASTE/ORDER WASTE TASTE AND ODOR

David Warren

Director of Water reviewed the Item.

Agenda Report No. 03-0793

Taste and odor concerns in the City's Cheney Reservoir water supply have increased in quantity and intensity over the last decade. Staff believes they are due to two separate, but interconnected causes. The primary cause is plant life in the water from Cheney Reservoir with the secondary cause being the normal semi-annual operational cleaning of basins at the water treatment plant. A separate CIP project has already been initiated to correct problems associated with the basin cleaning.

Problems with taste and odor in water from Cheney Reservoir are not new. The causes and treatment options are challenging and complex. Certain types of microscopic plants (algae) and bacteria in the reservoir can generate organic compounds that create taste and odor in the water with the most common cause being the rapid growth of blue-green algae. This rapid growth of algae, or "bloom," can generate compounds that give water an odor.

On February 11, 2003, the City Council approved a study that would include an evaluation of treatment technologies. The total cost of the study was budgeted at \$150,000.

The City received six proposals for the study. The Staff Screening and Selection Committee selected two firms for interviews, and following the interviews, elected to negotiate a contract with Black & Veatch. This firm submitted a contract for \$119,480 to perform this work. Other project costs such as pilot plant rental and laboratory testing fees would be separate. The total cost of the project is estimated to be within the \$150,000 budget.

Taste and odor events occurring this spring have resulted in increased customer complaints. At the City Council's direction, staff has developed additional alternatives that would allow the City to expedite the project.

The alternatives for City Council consideration are:

Approve the contract with Black & Veatch for \$119,480, plus testing costs. This alternative would provide a design concept at the end of a six-month study. Implementation of recommendations would take eight to fifteen months, depending on the procurement method. This contract would also include two months pilot plant rental of \$6,500 and separate laboratory costs of \$35,000. With these related costs, the total of this contract should not exceed \$150,000.

Reduce the scope of the Treatability Study (Option #1) contract with Black & Veatch and evaluate results of the pilot ozone and PAC treatments and eliminate evaluation of other technologies and pre-design work. Two months pilot rental would be \$6,500. The cost of the reduced scope of work would be negotiated with Black & Veatch, and would be less than Option #1

Authorize staff to proceed with selection of a design/build team to install ozonation at the Cheney Pump Station. The total project cost would not exceed \$7,500,000. Annual operating expenses for this system are estimated at \$400,000 per year and would be included in the 2004 budget for operation and maintenance.

Authorize a budget adjustment for 2003 to transfer \$750,000 from water department contingency (for commodities/chemicals) for the purchase of powdered activated carbon (PAC) for taste and odor treatment. Increase the commodities budget in 2004 by \$750,000 for PAC treatment until ozone treatment is implemented by design/build. (See below under financial conditions).

Alternatives 2, 3, and 4 could be selected individually or collectively.

None of the technologies are "guaranteed" to remove all taste and odor. Using any particular treatment may improve the perceived water quality for many people, but is unlikely to eliminate the problem all the time. It is possible using more than one technology in combination with another may produce the desired results. The pilot study would resolve this uncertainty.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 482

Based upon discussion by the City Council to treat the water for taste and odor control, alternatives #2, #3 and #4 would present a maximum effort. However, the City Council has the option of proceeding with the proposed study and receiving its results/recommendations prior to making a determination on Option # 3 (ozonation).

If the existing equipment for handling the activated carbon treatment is functional, the use contingency funds could be used to purchase PAC this year. The 2004 budget would need to be increased by a minimum of \$750,000, unless other 2004 utility expenses can be reduced by the same amount to finance this treatment.

The annual cost for ozonation facilities (Option #3), including the operation, maintenance and debt service, is estimated to be \$1 million. However, the exact cost of the ozonation facilities, and operation and maintenance cost, will not be known until an engineering study is completed (Option #1 or #2). To finance capital and on-going ozone cost, an estimated 3% increase in water rates, effective January 1, 2004, would be required. This increase would be in addition to the 3% increase now proposed in the Water Budget. Staff would not recommend eliminating or delaying planned water capital projects considered necessary in meeting system expansion and replacements. The average monthly residential bill, now \$14.76, would increase by approximately \$0.45 to cover just ozone treatment. The total cost impact to the average residential consumer to cover planned capital improvements and ozone water treatment would be approximately \$0.90 per month. The increase would be more noticeable in the summer for those who heavily irrigate their lawns, as well as for industries and water-intensive businesses.

The annual cost for ozonation - combined with PAC - which could be necessary to further reduce taste and odor levels, is estimated to be about \$2.2 million. This option would necessitate a 7% increase in water rates, which when combined with 3% for planned capital improvements would cause an increase in the average monthly residential water bill of approximately \$1.50.

City Council authorization is required to initiate design-build projects and/or to amend the budget.

Discussion	Considerable discussion was had regarding methods, choice of means to reduce taste and odor problems, and length of time required for effectiveness.
Mayor Mayans	Mayor Mayans inquired whether anyone wished to be heard.
Karl Peterjohn	Mr. Peterjohn urged the Council to look at all options to try to prevent future events.
Mike Williamson	Landmark Water Services spoke regarding the use of Chlorine Dioxide. Mr. Williamson said a chlorine dioxide system could be in place within approximately three-weeks for \$500,000 per year. Chlorine Dioxide takes care of chemical and algae odors.
David Warren	Director of Water and Sewer said Chlorine Dioxide is not enough for the City.
Motion -- -- carried	Mayans moved that Options 1 and 4 be approved; the PAC treatment be implemented immediately; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-436

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City and to issue Revenue Bonds in a total principal amount which shall not exceed \$7.5 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of Notice of Sub Intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 483

REVERSE OSMOSIS WATER-REVERSE OSMOSIS FEASIBILITY STUDY.

David Warren

Director of Water and Sewer reviewed the Item.

Agenda Report No. 03-0821.

On October 3, 2000, the City Council authorized several projects for the development of new water supplies for the City. The projects will help to develop water supplies to meet City water needs through the year 2050. On May 7, 2002, City Council approved a Contract with Carollo Engineers to do a feasibility study on the use of reverse osmosis technology to treat water from the Arkansas River.

The Integrated Local Water Supply Plan (ILWS) includes utilizing several local water supply sources. The Arkansas River, a potential supply, was not originally included because of its high salt content; however, recent advances in technology used to treat salty water (reverse osmosis) may have lowered the potential cost for treatment. Lower costs may make it feasible to consider using the Arkansas River as a source for one of the City's water supply alternatives.

The purpose of this Study was to determine the feasibility of using reverse osmosis technology and to provide information to determine whether the Arkansas River, when captured by wells in the river alluvium, could be used as part of the City's water supply plan. The Study evaluated the use of river water at four different sites. The sites (Bentley Reserve Wellfield, 21st and Hoover Rd., Sims Park, and Lincoln and McLean Blvd.) were selected because of proximity to other existing raw water facilities and because of potential variations in water quality. The Study evaluated the facilities needed to treat either 10 or 20 million gallons per day (MGD) and the ability to use the river using solely conventional treatment.

Three primary options were considered with two variations of the options. All included blending water from the river with other sources during times when reverse osmosis treatment would not be needed to meet water quality goals. The options included:

- 1) and blending it with other treated water before deliverance to the distribution system.
- 2) Treating water from the river with reverse osmosis technology and pumping it directly into the distribution system.
- 3) Treating water from the river with reverse osmosis technology and blending it with raw water prior to Treating water from the river with reverse osmosis technology to lower chloride levels in the water additional treatment at the treatment plant.

All major components necessary for the use of river water and reverse osmosis technology were evaluated, including wells and facilities required to capture river water, methods to dispose of treatment plant wastewater, and chemicals and equipment needed to optimize treatment. Cost estimates were developed for the options and estimations were made of when river water could be used without reverse osmosis.

The City and Burns and McDonnell Engineering have developed a computerized operations model to assist in evaluating all components of the ILWS Plan. Information from the Study will be evaluated using this operations model to determine how cost-effective reverse osmosis technology is, relative to the other components already in ILWS the Plan. The Study recommends that if reverse osmosis treatment appears to be cost-effective, additional pilot work should be done before full-scale treatment facilities are constructed.

Estimated construction costs for options in the Study ranged from \$43.7 million to \$53.1 million for facilities capable of providing 10 MGD of water, and from \$85.2 million to \$95.8 million for the capability of providing 20 MGD. Operations and maintenance costs range from \$412 to \$558 per million gallons of water provided.

Council Member Fearey left the Bench.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 484

Motion--carried Mayans motion that the study be received and filed. Motion carried 6 to 0. (Fearey absent)

Council Member Fearey present.
SOCCKER FIELDS **PARKING LOT FOR BRIDGEPORT ADULT SOCCER FIELDS. (DISTRICT VI)**

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 03-0794

On December 10, 2002, the City Council designated a site on Ohio Street, south of 37th Street North, as the location for a new adult soccer facility. The original site that was developed adjacent to the concrete plant site in the same area was felt to be undesirable for soccer play. The estimated cost for the new facilities was \$400,000. To date, two soccer fields have been built and an irrigation system has been installed at the new site. With these improvements, there is insufficient funding to complete the project, including the required parking lot.

On January 14, 2003, the City Council considered a proposal to transfer \$600,000 from the Two-Way Main Improvement project to Riverside Park Improvements. At this same meeting, there was also discussion of using a portion of the Main Street funding to construct the soccer fields. The item was deferred to February 4, 2003. On that date the Council approved the transfer of \$450,000 to the Riverside Park project, but failed to address the soccer field improvements of \$400,000 previously approved.

The City Council previously took action (December 10, 2002) to approve the Bridgeport site for adult soccer uses. The option selected by the City Council (at that time) was to allocate funds in the 2003-2004 capital budget from the two-way Main Street project. However, the City Council did not designate the specific amount required or approve the transfer of funding (even though Staff believed that was the intent of the Council). Two fields have been developed with irrigation. The construction of the parking lot remains. An improved parking lot is required under the City's building codes to serve this soccer project. The parking improvements will provide approximately 170 paved parking spaces and cost approximately \$150,000.

The estimated project cost to complete this project is approximately \$300,000, including the parking lot. The funding source is General Obligation Bonds available by transfer of funds from the Main Street Improvement project.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Fearey moved that the parking lot be approved; that the transfer of \$300,000.00 from the Main Street
-- carried Improvement project be authorized and the Resolution be adopted. Motion carried 7-0.

RESOLUTION NO. 03-435

A Resolution authorizing the issuance of bonds by the City of Wichita at Large to construct a soccer facility on the east side of Ohio Street, south of 37th Street North (472-83738), presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

MAIN STREET **MAIN STREET IMPROVEMENT-DOUGLAS TO MURDOCK. (DISTRICT VI)**

Steve Lackey Director of Public Works reviewed the Item.

Agenda Report No.03-0795.

In November 1956, the Traffic Commission recommended that Main Street (from 300' north of 13th to Harry) be converted to one-way southbound traffic. The conversion was done in conjunction with other streets in the downtown area to facilitate and provide ease of circulation and additional capacity on the

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 485

current streets. In February 1957, the then City Commission approved Main Street to be made one-way southbound from 13th to Pawnee and Park Place be made one-way southbound from 24th to 17th. The conversions were completed in April 1958.

Downtown Development Plans have since identified Main Street as a “gateway to the core area” and to the governmental center, and recommended that it be converted to two-way traffic. The project to convert Main Street from Douglas to Kellogg from one-way to two-way was completed in the mid 1990’s. The project included complete reconstruction of the street as well as traffic signalization and streetscapes (i.e. trash receptacles, newspaper enclosures, benches, etc.).

To complete the conversion, the Capital Improvement Program included a project to convert the next portion of Main Street from one-way traffic flow to two-way traffic from Douglas to Murdock. HWS Consulting Group was retained to study the possible conversion from Douglas to 17th Street North. The District VI Advisory Board (January 17, 2001) received neighborhood input on making this street two-way. Residents - north of 13th Street - voiced their desire to retain Park Place (Main Street) as one-way north of 13th. In February 2001, the District VI Advisory Board voted to support the recommendation to change Main Street to two-way from Douglas to 13th.

On June 28, 2001, the Downtown Development Corporation voiced its support of the project. Based on recommendations from affected residents and traffic considerations, the north boundary of the project was ended at Murdock. Street.

On November 5, 2002, the proposed project – as contained in the City’s Capital Improvements Program - was presented to the City Council. The Council voted to not fund the project. On December 10, 2002, the City Council approved the construction of two adult soccer fields in the Bridgeport area - intended to be funded from the Main Street project in District IV - “to come from an adjustment to the 2003-2004 capital budget.” On February 4, 2003, the City Council transferred \$450,000 to Riverside Park improvements and designated the remaining funds to be used to rehabilitate Main, from Douglas to Murdock. Street.

On July 15, 2003, the City Council considered a proposal to reconstruct and rehabilitate Main Street and retain one-way traffic. The Council deferred action on the proposal in order for the Council to reconsider whether or not it wishes to revert to the original plan to convert Main Street to two-way traffic.

Recent reviews by Council members indicated that the two-way conversion of Main Street again be considered prior to the reconstruction of the one-way Main Street.

The options for improving Main Street are:

- 1) Reconstruct and repair the roadway, but retain the existing one-way traffic flow as previously approved (November 5, 2002).
- 2) Convert Main, north of Douglas to a two-way roadway with two southbound lanes, one northbound lane, and a center left turn lane as originally approved in the Capital Improvements Program. The street would remain a one-way southbound roadway north of Murdock.

The original budget to convert Main Street to two-way traffic was \$2,300,000, but \$450,000 was redirected to Riverside Park, \$85,000 has been expended for the two-way Main design and \$12,000 to convert the plans to a rehabilitation project. However, the intended action by the City Council at its December 10, 2002 meeting was to allocate sufficient funding to complete the adult soccer facilities – estimated to be \$400,000. The budget for the Main Street project currently contains \$1,465,000, after allocating \$300,000 for the soccer project. When the soccer funding (and the Riverside Park supplemental funding) is removed from this allocation, there will not be sufficient funding for two-way Main without a supplemental appropriation of \$835,000 in the revised Capital Improvement Program.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 486

Motion-- Fearey moved that the rehabilitation option, retain one-way traffic, be approved; the supplemental Agreement and first reading of the Ordinance be approved; the necessary signatures be authorized; and the two-way Main Street, including the signal system, be placed back in the CIP as a future project.
-- carried Motion carried 7-0.

ORDINANCE

An Ordinance declaring Main Street, from Douglas to Murdock (472-83811) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

WATER SALES TAX SALES TAX INTEREST AND PENALTY LIABILITY AMNESTY APPLICATION.

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 03-0796

An internal audit of sales tax returns from September 1999 through December 2001 determined the need to file amendments with the Kansas Department of Revenue for those periods. Upon receipt of the amendments, the Department of Revenue performed a desk audit of all periods from September 1999 through May 2003.

The desk audit resulted in a determination of the balance of \$87,579.21 owed by the Water & Sewer Department for unpaid sales tax liability. An additional amount for penalties and interest of \$68,188.81 brings the balance to \$155,768.02. The Department of Revenue has presented an alternative to allow an application for the Amnesty Program to reduce the balance to \$102,467.67.

During the process of working with the Department of Revenue to determine an agreed-upon balance due, the Kansas Department of Administration instituted a Setoff Program whereby they are holding amounts owed to the City totaling \$303,610.28. Upon signature of the Amnesty Application, the Department of Revenue would release the balance of \$201,142.61 to be paid to City departments owed funds.

The City Council approved an amount up to \$100,000 in April of 2003 to satisfy the outstanding sales tax liability. The funds are included in the revised Water & Sewer Department budget.

By signing the Amnesty Application, the City of Wichita would give up administrative judicial rights of appeals, if overpayments are discovered during a pending site sales tax audit due to begin in October 2003. Law has approved the Amnesty Application as to form.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Amnesty Application and the payment be approved; the withdrawal of hearing request on the setoff amount be authorized and necessary signatures be authorized. Motion carried 7-0.
-- carried

CITY COUNCIL AGENDA

DISPARITY STUDY DISPARITY STUDY

Mayor Mayans Mayor Mayans said there had been much discussion in the community regarding fairness in awarding of contracts. The Mayor said he had not personally seen discrimination in the City Policy but all people have differences and view people differently. The last disparity study was completed eight or nine years ago, perhaps it is time to do another study.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 487

It is worthwhile to note that City Staff put together a report outlining contract negotiations with vendors across the City and highlighted the minority vendors. It is important to recognize when something is also being done right.

There are daily discussions on budget priorities and how to reallocate expenditures. The Mayor said he did not know whether a price could be put on treating people with fairness.

Council Member Lambke Council Member Lambke said the District Advisory Boards present a perfect setup to air the matter. A committee could go to the District Advisory Boards and get feedback from the entire City.

Council Member Brewer Council Member Brewer stated that, if there is a perception of a problem, it should be looked at. Questions could be asked of government and businesses - the number of minority companies, management positions, etc., the number of minorities to be hired vs. the actual number hired. Things are always being done to improve relationships but there is always room for improvement.

Council Member Schlapp Council Member Schlapp said there should be representatives and open discussion with the community, irregardless of whether or not there is a study. A task force is needed to determine what issues need to be examined and whether the City needs to do a study.

Council Member Fearey Council Member Fearey said the City needs to be proactive and studies are, generally, not proactive. This is an opportunity to sit down with people from the School Board, County, representatives from minority businesses and other areas, and others on a community issue. There is also an issue of minority businesses being able to obtain bonding that meets State requirements. The elected bodies could get together and go to the State in an effort to get changes that might assist in the bonding area.

Council Member Gray Council Member Gray stated that a large portion of the community has the perception that there is a disparity issue and he is willing to look into the situation further.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

The following persons spoke regarding the need for a disparity study.

Kevin Miles, President of the NAACP

Mary Dean

Gary Ingram

Rev. Echols?

Motion -- Mayans moved that a Task Force be established representing the community to review the City's contracting policies, effectiveness, and to identify further actions.

Discussion Discussion was had regarding membership of the Task Force and a time-line for the Task Force recommendation to the City Council.

Consensus of the Council was that the City Council would have a workshop or discussion on August 12, 2003, regarding Task Force composition and appointments.

--carried Motion carried 7-0.

APPROVAL OF PROCLAMATION

Fetal Alcohol Syndrome Awareness Day.

Motion -- carried Brewer moved that the issuance of the Proclamation be approved. Motion carried 7-0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 488

SSMID BOARD APPOINTMENTS

WDDC Appointment recommendations:

J.V. Lentell, Intrust Bank - representing north of Douglas, west of the railroad tracks

Clay Bastian, Fidelity Bank - representing south of Douglas, west of the railroad tracks

Dave Burk, Marketplace Properties - representing Old Town

Gerald Barrack, Hyatt Hotel - representing south of Douglas, west of the railroad tracks

Dale Maltbie, PEC - at large position

Kurt Watson, IMA Insurance - at large position

Motion-- carried

Mayans moved that the appointments be approved as submitted. Motion carried 7-0.

BOARD APPOINTMENTS

Motion--
-- carried

Mayans moved that the appointments Bob Aldrich, Park Board, and Donna Aldrich, Library (Mayans); and Joan Hartig, DAB III (Lambke) be approved. Motion carried 7-0.

CONSENT AGENDA

Mayans moved that the Consent Agenda, except Items 18 and 19, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 4, 2003

Lateral 488 Southwest Interceptor Sewer to serve Unplatted Tracts - north of Central, west of 119th Street West. (468-83504/743957/480645) Does not affect existing traffic. (District V)

WB Carter Construction- \$12,746.00

Water distribution system to serve Regency Park Addition - north of K-96, west of Greenwich. (448-89846/735136/470806) Does not affect existing traffic. (District II)

K.C. Excavating - \$20,101.00

Water distribution system to serve Grace Park Addition - north of Pawnee, east of Greenwich. (448-89842/735133/470803) Does not affect existing traffic. (District II)

K.C. Excavating - \$31,696.00

Lateral 5 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83643/743997/480685); Lateral 6 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83644/743998/480686); And Lateral 7 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83645/743999/480687) Does not affect existing traffic. (District V)

Nowak Construction - \$274,285.45 (Total aggregate bid)

2003-2004 CDBG Street, Curb, Gutter & Sidewalk Improvements (sidewalk repairs) - north of 8th Street North, east of Arkansas. (472-83810 /602500/N/A) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,VI)

Barkley Construction - \$90,000.00 (Engineer's estimate)

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 489

Water distribution system to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89832/735138/470808) Does not affect existing traffic.

K.C. Excavating - \$47,835.00

Lateral 2, Main 11 Four Mile Creek Sewer to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83401/743996/480684); And Water Distribution System to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (448-89660/735137/470807) Does not affect existing traffic. (District II)

Mies Construction - \$127,410.50 (Total aggregate bid)

Storm Water Sewer #587 to serve Woodland Lakes Estates 3rd Addition - north of Harry, west of 127th Street East. (468-83593/751336/485227) Does not affect existing traffic. (District II)

Mies Construction - \$257,655.00

Street closures associated with the Central Rail Corridor - between Douglas and 17th Street North. (468-83473/715226/242226) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Nowak Construction - \$589,943.68

Lateral 493 Southwest Interceptor Sewer to serve Shelly's Orchard Addition - north of Pawnee, east of Maize. (468-83641/743994/480682) Does not affect existing traffic. (District V)

K C Excavating - \$33,209.00

Water distribution system to serve Shelly's Orchard Addition - north of Pawnee, east of Maize. (448-89840/735132/470802) Does not affect existing traffic. (District V)

Mies Construction - \$28,566.25

Water distribution system to serve The Collective Addition - south of 21st Street North, east of K-96. (448-89646/735139/470809) Does not affect existing traffic. (District II)

Mies Construction - \$26,494.25

Four Mile Creek Sewer to serve The Collective Addition - south of 21st Street North, east of K-96. (468-83371/744001/480689) Does not affect existing traffic. (District II)

K C Excavating - \$68,068.00

Storm Water Drain #183 to serve The Collective Addition - south of 21st Street North, east of K-96. (468-83372/751340/485231) Does not affect existing traffic. (District II)

Mies Construction - \$127,072.00

Installation of a force main for Main 19 Southwest Interceptor Sewer, Phase 1b from the new pump station constructed at 29th Street North, east of Ridge Road to the existing sanitary sewer within Sedgwick County Zoo Park - 29th Street North, east of Ridge Road to 21st Street. (468-83186/743990/480678) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Nowak Construction - \$624,195.00

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 490

Installation of a sanitary sewer pump station for Main 19 Southwest Interceptor Sewer Phase 1a (29th Street North, east of Ridge Road) (468-83186/743990/480678) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Utility Contractors - \$740,300.00

Storm Water Drain #186 to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83404/751339/485230) Does not affect existing traffic. (District II)

Lange Bros - \$106,596.00

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be

--carried

PUBLIC WORKS DEPARTMENT/BUILDINGS DIVISION: Asbestos Abatement & Demolition Mark 8.

Cornejo & Sons Inc. - \$21,180.00 (Group 1/Total net bid)

AIRPORT DIVISION/ENGINEERING DIVISION: Safety Bldg Expansion & CC TV Upgrade.

Martin K Eby Construction Co. Inc. - \$1,653,000.00* (Group 1/Total net bid)

*Subject to FAA approval

AIRPORT DIVISION/ENGINEERING DIVISION: Rehab Runway Shoulders & Blast Pads.

Cornejo & Sons Inc. - \$774,908.70* (Total net bid)

*Subject to FAA approval

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION SYSTEM: Uniforms – Water & Sewer.

Industrial Uniform Co. Inc. – (Group 1/Item 1/\$10.00 ea)

(Group 1/Item 2/\$12.00 ea)

(Group 1/Item 3/\$13.25 ea)

(Group 1/Item 4/\$11.25 ea)

(Group 1/Item 5/\$8.30 ea)

(Group 1/Item 6/\$11.50 ea)

(Group 1/Item 7/\$10.50 ea)

(Group 1/Item 8/\$9.90 ea)

(Group 1/Item 9/@\$10.90 ea)

(Group 1/Item 10/@\$10.15 ea)

(Group 1/Item 11/@\$17.50 ea)

(Group 1/Item 12/@\$11.25 ea)

(Group 1/Item 13/@\$40.00 ea)

(Group 1/Item 14/@\$29.50 ea)

(Group 1/Item 15/@\$19.40 ea)

(Group 1/Item 16/@\$19.40 ea)

(Group 1/Item 17/@\$17.00 ea)

(Group 1/Item 18/@\$17.00 ea)

(Group 1/Item 19/@\$34.00 ea)

(Group 1/Item 20/@\$20.00ea)

(Group 1/Item 21/@\$13.25 ea)

(Group 1/Item 22/@\$34.00 ea)

(Group 1/Item 23/@\$20.00 ea)

(Group 1/Item 24/@\$36.00 ea)

(Group 1/Item 25/@\$12.00 ea)

(Group 1/Item 26/@\$12.00 ea)

(Group 1/Item 27/Bids Rejected)

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 491

(Group 1/Item 28/Bids Rejected)
(Group 1/Item 29/@\$9.75 ea)
(Group 1/Item 30/@\$11.00 ea)
(Group 1/Item 31/@\$11.50 ea)
(Group 1/Item 32/@\$9.55 ea)
(Group 1/Item 33/@\$10.65 ea)
(Group 1/Item 34/\$9.00 ea)
(Group 1/Item 35/@\$10.00 ea)
(Group 1/Item 36/@\$2.25 ea)
(Group 1/Item 37/@\$2.25 ea)
(Group 1/Item 38/@\$1.50 ea)
(Group 1/Item 39/@\$1.50 ea)
(Group 1/Item 40/No cost)
(Group 1/Item 41/10-30% oversize charge)
(Group 1/Item 42/Bids Rejected)

FINANCE DEPARTMENT/PRINT SHOP DIVISION: Paper – Fine, Carbonless and Tag Stock.

Unisource - (Group 1/Item 43/@\$7.52 ea)
(Group 1/Item 44/@\$10.32 ea)
(Group 1/Item 45/@\$4.78 ea)
(Group 1/Item 46/@\$6.56 ea)
(Group 1/Item 47/@\$3.68 ea)
(Group 1/Item 48/@\$4.08 ea)
(Group 1/Item 49/@\$5.16 ea)
(Group 1/Item 50/@\$7.10 ea)
(Group 1/Item 51/@\$9.64 ea)
(Group 1/Item 52/@\$5.30 ea)
(Group 1/Item 53/@\$10.62 ea)
(Group 1/Item 54/@\$6.46 ea)
(Group 1/Item 55/@\$12.92 ea)
(Group 1/Item 56/@\$8.00 ea)
(Group 1/Item 57/@\$15.00 ea)
(Group 1/Item 58/@\$10.75 ea)
(Group 2/Item 1/@\$8.02 ea)
(Group 2/Item 2/@\$9.03 ea)
(Group 2/Item 3/@\$9.65 ea)
(Group 2/Item 4/@\$19.90 ea)
(Group 2/Item 5/@\$25.25 ea)
(Group 2/Item 6/@\$20.75 ea)
(Group 2/Item 7/@\$26.35 ea)
(Group 2/Item 8/@\$22.21 ea)
(Group 2/Item 9/@\$23.00 ea)
(Group 2/Item 10/@\$6.37 ea)
(Group 2/Item 11/@\$8.07 ea)
(Group 2/Item 12/@\$10.70 ea)
(Group 2/Item 13/@\$13.47 ea)
(Group 2/Item 14/@\$8.83 ea)
(Group 2/Item 15/@\$11.18 ea)

(Group 3/All bids rejected)

PUBLIC WORKS DEPARTMENT/BUILDINGS SERVICES DIVISION: Natural Gas Purchase.

Oneok Energy Marketing - \$5.32 (MMBtu/U.S.D. 259 Natural Gas Contract*)

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 492

AIRPORT DIVISION/ENGINEERING DIVISION: Natural Gas Purchase.

Oneok Energy Marketing - \$5.441 (MMBtu/U.S.D. 259 Natural Gas Contract*)

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

AIRPORT DIVISION/ENGINEERING DIVISION: Terminal Building Second Floor Remodel.

Alcon Construction LLC - \$609,000.00 (Group 1/total net bid)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

(Items 18 and 19)
LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal Adult Entertainment

Valerie Washington	Xcitement Video	3909 West Pawnee
Valerie Washington	Xcitement Video	220 East 21st Street North
David A. Cherry	Kansas Video	2726 North Amidon
	dba Video Adventure	

New Escort Service

Vicki Maness	Babes	211 South Washington
Robert Collins	Mana 2 #1ABAdult Service	333 East English

Motion -- failed

Schlapp moved that Item 18 and 19 not be approved. Motion failed 5 to 2. Brewer, Fearey, Gray, Martz, Mayans - No.

Motion--carried

Brewer moved that the licenses be approved subject to Staff review. Motion carried 5-2. Lambke, Schlapp - No.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Mark T. Ryan	Ryan Boys, Inc.*	300 South Greenwich Road #21

(Consumption off Premises)

Thuy Thi Thu Nguyen	Quick Pick*	3733 North Arkansas
Jay D. Brichacek	On the Road Inc.*	801 South Oliver

<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
---------------------	-------------	-----------------------------------

Cynthia Morris	Fleming Food Store #F-536	3233 North Rock Road
----------------	---------------------------	----------------------

(Consumption on Premises)

Donald H. Harrison, Jr.	L.W. Clapp Municipal Golf*	4611 East Harry
Donald H. Harrison, Jr.	MacDonald Municipal Golf*	840 North Yale

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 493

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--carried

Mayans moved that the licenses be approved subject to Staff review. Motion carried 7-0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2003-2004 CDBG street, curb, gutter & sidewalk improvements (concrete repairs): Hydraulic, 11th to 15th; Kansas, 12th to 13th; Jackson, 21st to 22nd - north of Central, east of Arkansas. (472-83809/602500/800301) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, VI) - \$300,000
- b) Flora, from 3rd Street to St. Louis to serve Fruitvale Park Addition - south of Central, east of Hoover. (472-83621/765752/490863) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$151,000
- c) 21st & Rock Road Phase 2, Landscaping - 21st Street North & Rock Road. (472-83438/706829/201295) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$45,500
- d) 2003 sanitary sewer reconstruction Phase 7 (various locations) - north of Pawnee, east of Meridian. (468-83649/620383/663504) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV) - \$200,000
- e) Storm Water Sewer #591 to serve Reed's Cove Addition; Reed Commercial Addition - south of 21st Street North, east of 127th Street East. (468-83656/751338/485229) Does not affect existing traffic. (District II) - \$125,000
- f) Peregrine from the west line of Hillside to the south line of Kite; on Peregrine Court adjacent to Lots 16 through 21, Block 3; on Lanners Circle and Lanners Court adjacent to Lots 36 through 45, Block 2 and Lots 1 through 15, Block 6; Kite from Peregrine to the west line and on Osprey Circle adjacent to Lots 1 through 26, Block 2; Sidewalk along one side of Peregrine, and on one side of Kite to serve Falcon Falls Addition - south of 53rd Street North, west of Hillside. (472-83687/765782/490893) Does not affect existing traffic. (District I) - \$950,000
- g) Smithmoor Street, south of the north line of Lot 1, Block 2, including the cul-de-sacs; Bluestem Circle, east of Smithmoor including the cul-de-sac to serve Smithmoor 10th Addition - north of Pawnee, west of Greenwich. (472-83499/765795/490906) Does not affect existing traffic. (District II) - \$269,100
- h) Kinkaid from the north line of Lot 21, Block 7 to the west line of Brentwood South Addition; Stoneybrook from the south line of Kinkaid to the south line of Lot 13, Block 7; Kinkaid Court, from the east line of Kinkaid to and including cul-de-sac (Lots 43 thru 48, Block 3); Stoneybrook Court from the east line of Stoneybrook to and including cul-de-sac (Lots 31 thru 36, Block 3); and Stoneybrook Court from the south line of Stoneybrook to and including cul-de-sac (Lots 15 thru 20, Block 7) to serve Brentwood South Addition - north of Pawnee, east of Webb. (472-83445/765790/490901) Does not affect existing traffic. (District II) - \$354,000
- i) Glenwood from the south line of Bridlewood to the south line of 21st Street North; Glenwood Circle from the south line of Bridlewood serving Lots 7 thru 16, Block 2, to and including the cul-de-sacs; Glenwood Court from the west line of Glenwood serving Lots 1 thru 13, Block 1, to and including the cul-de-sac; Glenwood Court from the west line of Glenwood serving Lots 14 thru 23, Block 1 to and including the cul-de-sac; Glenwood Court from the west line of Glenwood serving Lots 24 thru 33, Block 1 to and including the cul-de-sac; Bridlewood from the west line of Glenwood to the west line of Lot 16, Block 2 with a sidewalk on one side. Sidewalk on one side of Greenwood from the north line of Bridlewood, to the north line of Lot 1, Block 2. An 8 foot sidewalk on one side of Glenwood from Reed's Cove to 21st Street North to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East) (472-83680/765779/490890) Does not affect existing traffic. (District II) - \$287,000

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 494

- j) Lateral 95, Sanitary Sewer #23 to serve an unplatted tract – south of 37th Street North, west of Woodlawn. (District I) - \$90,000
- k) Water distribution system to serve the McClaren Addition – north of Central, east of Webb. (District II) - \$3,000
- l) (Amended) Water distribution system to serve Valley Acres Addition – south of 13th, west of Meridian. (District VI) - \$9,500
- m) (Amended) 29th Street North to serve Regency Park, soccer fields, baseball fields – 29th Street North, west of Greenwich. (District II) - \$224,341

Motion--carried Mayans moved that the file be approved. Motion carried 7-0.

STATEMENTS/COST STATEMENTS OF COST:

- a) (Amended) Improving Lateral 1, Main 12, Four Mile Creek Sewer to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East) Total Cost - \$30,088.69 (plus idle fund interest - \$605.31 plus temporary note interest - \$0). Financing to be issued at this time - \$30,694.00. (743953/468-83510 /480-641).

Motion -- carried Mayans moved that the file be approved. Motion carried 7-0.

PETITIONS

STREET PAVING, SANITARY SEWER, AND DRAINAGE IMPROVEMENTS TO SERVE FOX RIDGE ADDITION - NORTH OF 29TH STREET NORTH, BETWEEN MAIZE AND TYLER. (District V)

Agenda Report No. 03-0797.

The Petitions have been signed by three owners, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, and drainage improvements to a new residential development located north of 29th Street North, between Maize and Tyler.

The Petitions total \$1,352,000. The funding source is special assessments except for a sanitary sewer main which includes \$31,000 funded by the Sewer Utility.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-412

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Northwest Interceptor Sewer, (north of 29th Street North, between Maize and Tyler) 468-83643, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-413

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 206 (north of 29th Street North, between Maize and Tyler) 468-83651, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 495

RESOLUTION NO. 03-414

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 210 (north of 29th Street North, between Maize and Tyler) 468-83670, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-415

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 211 (north of 29th Street North, between Maize and Tyler) 468-83671, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-416

Resolution of findings of advisability and Resolution authorizing improving of Main 6, Part D, Northwest Interceptor Sewer (north of 29th Street North, between Maize and Tyler) 468-83680, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-417

Resolution of findings of advisability and Resolution authorizing improving Westlake Parkway from the east line of Lot 174, Block 1 to 80 feet west of the west line of Lot 33, Block 5, (north of 29th Street North, between Maize and Tyler) 472-83813, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-418

Resolution of findings of advisability and Resolution authorizing improving Westlake Parkway from 80 feet west of the west line of Lot 33, Block 5 to the west line of Lot 146, Block 1 (north of 29th Street North, between Maize and Tyler) 472-83814, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RENOVATE BUILDING FACADE AT 111 WEST DOUGLAS - SOUTH OF DOUGLAS, WEST OF MAIN. (District I)

Agenda Report No. 03-0798.

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 111 W. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district. The owner has also submitted the required facade easement.

On June 17, 2003, the City Council granted a waiver to permit the building owner to improve more than two facades and receive the \$30,000 forgivable loan.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 496

The structure is known as the Century Plaza Building. The proposed improvements include restoration of terracotta surfaces, repair windows, restore art deco panel, and paint brick/stucco surfaces.

The estimated project cost is \$140,000, with \$110,000 paid by Special Assessments and \$30,000 by a forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. The Law Department has approved the facade easement as to legal form. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion --
-- carried

Mayans moved that the Petition be approved, the Resolution be adopted, and the facade easement be accepted. Motion carried 7 to 0.

RESOLUTION NO. 03-419

Resolution of findings of advisability and Resolution authorizing construction of façade improvements at 111 West Douglas (south of Douglas, west of Main) 472-83815, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SANITARY SEWER TO SERVE THE COLLECTIVE ADDITION - EAST OF K-96, SOUTH OF 21ST. (District II)

Agenda Report No. 03-0799.

On December 11, 2001, the City Council approved a sanitary sewer project to serve The Collective Addition. Based on recent bid prices, it is doubtful that a construction contract can be awarded within the limits of the project budget. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a commercial development located east of K-96, south of 21st.

The original Petition totaled \$91,000. The new Petition totals \$128,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolution be adopted. Motion carried 7-0.

RESOLUTION NO. 03-420

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 10, Four Mile Creek Sewer (east of K-96, south of 21st Street) 468-83371, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 497

SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE PARTS OF SAVANNA AT CASTLE ROCK RANCH FIFTH AND SEVENTH ADDITIONS - NORTH OF 13TH, EAST OF 143RD STREET EAST. (District II)

Agenda Report No. 03-0800.

The Petitions have been signed by two owners, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new residential development located north of 13th, east of 143rd Street East.

The Petitions total \$151,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolution be adopted. Motion carried 7-0.

RESOLUTION NO. 03-421

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89860 (north of 13th Street, east of 143rd Street East) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-422

Resolution of findings of advisability and Resolution authorizing improving Lateral 356, Four Mile Creek Sewer 468-83681 (north of 13th Street, east of 143rd Street East) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ADVISORY BOARD

MINUTES OF ADVISORY BOARD/COMMISSIONS:

Wichita Airport Advisory Board, May 5, 2003
Wichita Public Building Commission, May 7, 15, 2003
District VI Advisory Board, May 21, June 2, 2003
Code of Standards and Appeals Board, June 2, 2003
Board of Park Commissioners, June 9, 2003
Electrical Appeals Board, June 10, 2003
Wichita Public Library Board, June 17, 2003

Motion--carried

Mayans moved that the Minutes be received and filed. Motion carried 7-0.

STREET CLOSURES

WICHITA BLACK ARTS FESTIVAL - STREET CLOSURES FOR PARADE AND RUN.

Agenda Report No. 03-0801

The annual Wichita Black Arts Festival has been a community celebration in Wichita for over thirty-five years. As participation at the Festival has grown, so has the range and variety' of festival activities. Although the parade has always been a traditional event, in recent years a run has also been added.

The following street closures have been requested:

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 498

Wichita Black Arts Festival Run, Saturday, August 30 - 8:30 a.m. - 10:30 a.m.

- Yale Street- 16th to 17th
- 17th Street - Yale to Wabash

Wichita Black Arts Festival Parade, Saturday, August 30 - 11:00 a.m. - 1:00 p.m.

17th Street - Fairmount to Wabash

Police security is arranged to remove blockades as necessary, to allow emergency vehicle access during entire designated time period.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the street closure be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7-0.

--carried

STREET CLOSURES – SPECIAL EVENTS

Agenda Report No. 03-0802

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

7th Annual Preferred Health Wichita Open 5K Run & Walk, Aug. 9 – 7:15-8:15 a.m.

21st Street – Bradley Fair Parkway to Legacy Park Entrance/one lane only from 7:30 to 7:45 a.m.

Wilson Estates Road – Webb Toad to Bradley Fair Parkway/one lane only from 7:30 to 8:00 a.m.

St. John's Episcopal Church Flea Market, September 6 – 8:00 am to 6:00 pm

Alleyway between Topeka and Emporia off Third Street

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the street closure be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7-0.

--carried

KANSAS FOODBANK CDBG - KANSAS FOODBANK WAREHOUSE, INC.

Agenda Report No. 03-0803

On March 4, 2003, the City Council allocated Community Development Block Grant (CDBG) funds for the 2003/2004 program year. Included in the 2003/2004 CDBG allocations were funds for Kansas FoodBank Warehouse to purchase food for distribution to Wichita non-profit agencies.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 499

Services to be provided include purchase and transportation of food to the warehouse for the distribution during the contract period of July 1, 2003 through June 30, 2004. The food may also be distributed to laid-off workers and other persons in need.

The contract amount is \$135,488 and is funded in the approved 2003/2004 CDBG budget.

A contract has been negotiated with Kansas FoodBank Warehouse and signed by the authorized representative. The Law Department has reviewed and approved the contract as to form.

Motion--
carried--

Mayans moved that the Contract be approved and the necessary signatures be authorized.
Motion carried 7-0.

YWCA

CDBG - YWCA WOMEN'S CRISIS CENTER.

Agenda Report No. 03-0804

On March 4, 2003, the City Council allocated Community Development Block Grant (CDBG) funds for the 2003/2004-program year. Included in the 2003/2004 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposal (RFP).

The contract with the YWCA provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 2003 and ending June 30, 2004.

The contract amount is \$157,000 and is funded in the approved 2003/2004 CDBG budget.

A contract has been negotiated with the YWCA and signed by the authorized representative. The Law Department has reviewed and approved the contract as to form.

Motion--
--carried

Mayans moved that the Agreement/Contracts be approved and the necessary signatures be authorized.
Motion carried 7-0.

TARA FALLS

CONSTRUCTION ENGINEERING AND STAKING FOR TARA FALLS ADDITION - SOUTH OF HARRY, EAST OF GREENWICH - SUPPLEMENTAL. (DISTRICT I)

Agenda Report No. 03-0805.

The City Council approved the project on October 22, 2002. On February 11, 2003, the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements in Tara Falls Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 500

Payment will be on a lump sum basis of \$44,000 and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

LINCOLN BRIDGE

LINCOLN BRIDGE AT FABRIQUE DITCH - SUPPLEMENTAL. (DISTRICT III)

Agenda Report No. 03-0806.

On October 16, 2001, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for the City to provide the construction engineering services for the Lincoln Bridge over Fabrique, and for KDOT to reimburse the City for 80% of the cost with an upper limit of \$13,979.14.

At completion of the project, it was discovered that more time was required than figured in the original estimate. The City had to provide additional inspection services for additional days that were not anticipated when the initial Agreement was prepared.

KDOT has agreed to increase the upper limit of compensation to \$18,547.31 to reimburse the City for additional work. The Supplemental Agreement has been prepared.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

EASEMENT ENCR.

EASEMENT ENCROACHMENT - 4829 PEMBROOK COURT. (DISTRICT I)

Agenda Report No. 03-0807.

The Agreement allows Socora Village Company to occupy and construct for 4829 Pembrook Ct., improvements on, over, and across the aforesaid utility easement 30 feet in width described as the south 30 feet of Lot 39, Block 1, Pembrook 2nd Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a 10-foot by 10-foot concrete patio encroaching 10 feet into the easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

SOUTH LAKES

SOUTH LAKES SOFTBALL COMPLEX IRRIGATION IMPROVEMENTS.

Agenda Report No. 03-0808.

Since 1997, the City has invested in the development of the South Lakes Softball Complex. In 1997, the first four softball fields were developed, followed by the construction of a concession/restroom facility, press boxes, walkways, bleachers, shade shelters and plaza in 2000. In 2002, the construction of Phase II was completed, which included four additional softball fields, bleachers, press boxes, shade shelters, concession/restroom facility with walkways and plazas. During this Phase II work, alternate bids to irrigate commons areas for the softball complex were rejected, due to project budget limitations. In 2003, the City completed the construction of a paved parking area and entry roads to meet City code requirements.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 501

With the new improvements, use of the eight-diamond complex has increased significantly with league and tournament play. The need to irrigate the commons areas has become more important to meet the concerns of maintenance and safety. Increased foot traffic and erosion of sloped areas in and around the bleacher and dugout areas is unsightly and a potential liability.

The Park and Recreation Department sent out a Request for Proposal, seeking a design/build contract to irrigate commons areas. This project would improve the aesthetics and safety of the use of the commons areas. The City received five proposals from vendors ranging from \$35,385 to \$60,900. City staff has carefully reviewed each proposal and is recommending the lowest price proposal from Rain Link, Inc. to design and construct an irrigation system which will meet the needs required.

The Park and Recreation Department has allocated \$36,000 from the 2003 Park Facility Renovation CIP for this project. The contract for Rain Link, Inc. will be for \$35,385. The South Lakes Softball Complex is a state-of-the-art softball facility. Additional irrigation to the commons areas will enhance the appearance of the landscape, while creating a safer experience for our customers. The Complex has already increased the number of tournaments over the past year. It is anticipated that it will attract more and more tournaments, increasing revenue to the City and tourism dollars to local businesses.

The 2002 – 2111 Capital Improvement Program (CIP) provides for \$400,000 in 2003 towards Park Facility Renovation (P-391001, OCA # 785037). Expenditure of these funds is consistent with the Project description and justification.

Motion--
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

TOURISM

STRATEGIC MASTER PLAN FOR TOURISM.

Agenda Report No. 03-0809.

In 2000, the City of Wichita engaged the consulting services of Alf Nucifora to prepare a Strategic Master Plan for Tourism. The plan was unveiled in the fall of this same year and serves as the guiding document for increasing tourism. Numerous actions from the proposed work plan have been implemented, underway and others are in the planning stages. It is proposed to engage the services of Alf Nucifora to continue to build the momentum for the local tourism industry and to provide a progress evaluation of major accomplishments.

The City, in partnership with the Greater Wichita Convention and Visitor Bureau (CVB) and the Arts Council, is proposing a review and update of the Strategic Master Plan for Tourism. The plan was prepared prior to the September 11, 2001 terrorist attack and before the economy realized its full economic down cycle. As a result, the tourism industry has changed and new strategies may be needed to address current market conditions.

The partnership is proposing to use the consulting services of the Nucifora firm to review the plan based upon his knowledge and expertise as the original author of the Tourism Plan. Stakeholders will again be engaged in the reviews and evaluation of the accomplishments to date, assessing new trends and developing additional recommendations for enhancing the local tourism industry.

The City will oversee the contract (that will not exceed \$10,500), including expenses. The City's portion of this cost will be funded (one-third of the study) from the Marketing Services Budget. Both the Greater Wichita Convention and Visitor Bureau and the Arts Council have agreed to each pay one-third of the total cost. The City's commitment in this partnership will not exceed \$3,500.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 502

KDHE

KDHE ENVIRONMENTAL LEAD INVESTIGATION.

Agenda Report No. 03-0850.

Staff from the Department of Environmental Health perform environmental lead assessments in homes where children have been diagnosed as having elevated blood lead levels. Elevated blood lead levels lead pose physical risks that include developmental disabilities and learning impairment, and are especially serious in young children. Sources of lead include interior paint and plumbing, particularly in older houses. The work is performed under a contract with the Kansas Department of Health and Environment; KDHE has no local staff to perform this function, but has provided lead assessor training for one Environmental Health employee.

Ten to twenty assessments are conducted annually. The contract provides a needed service to citizens, at no direct cost to the City.

KDHE pays the City \$ 150 per assessment to cover costs. Projected annual revenue ranges from \$1,500 to \$3,000.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

DESIGN CONTRACTS SHELLY'S ORCHARD ADDITION - EAST OF MAIZE, NORTH OF PAWNEE. (DISTRICT I)

Agenda Report No. 03-0810.

The City Council approved the project on June 3, 2003.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&S) provides for the design of bond financed improvements in Shelly's Orchard Addition. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$29,360, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

REGENCY PARK ADDITION - NORTH OF 21ST, WEST OF GREENWICH. (District II)

Agenda Report No. 03-0811.

The City Council approved the project on June 17, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Regency Park Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$16,820, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 503

PINE MEADOW ADDITION - EAST OF GREENWICH, SOUTH OF 13TH. (District II)

Agenda Report No. 03-0812.

The City Council approved the project on January 8, 2002.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Pine Meadow Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$51,840 and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

FAIRMOUNT ADDITION - NORTH OF 21ST, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0813.

The City Council approved the project on February 5, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in The Fairmont Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$62,700, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreements be approved and the necessary signatures be authorized.
Motion carried 7-0.

SHADOW WOODS ADDITION - WEST OF 135TH STREET WEST, NORTH OF MAPLE. **(DISTRICT V)**

Agenda Report No. 03-0814.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Shadow Woods Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$25,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

RIDGE PORT AND RIDGE PORT THIRD ADDITIONS - EAST OF RIDGE, NORTH OF 29TH STREET NORTH. (DISTRICT II)

Agenda Report No. 03-0815.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Ridge Port and Ridge Port 3rd Additions. Per Administrative

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 504

Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$25,100, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

GRACE PARK ADDITION - NORTH OF HARRY, EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 03-03-0816.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Grace Park Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$45,900, and will be paid by special assessments.

Motion--
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

AIR QUALITY

AIR QUALITY PROGRAM GRANT.

Agenda Report No. 03-0851.

Over the past 10 years, the City of Wichita has measured an upward trend in ozone concentrations in the urban area. This upward trend and the lowering of the federal EPA ozone standard in 1997 has placed this area closer to non-attainment. In order to address this issue City of Wichita staff has been meeting with representatives of government, industry and academia to discuss approaches to improving local air quality through voluntary measures. One of the primary causes of increased ozone in the Wichita area is from cars, trucks, buses and other mobile sources.

The goal is to stimulate community awareness regarding mobile source air quality impacts. This grant proposal outlines several outreach activities that City staff and other stakeholders would undertake to educate the public about health, economic, and environmental issues related to ozone that are inherent in a growing urban area such as the Wichita metropolitan area. Through education, citizens could take voluntary actions on their own to help reduce air pollution, thus helping us remain in attainment with the federal ozone standard.

The grant application requests \$30,000 from the United States Environmental Protection Agency. A total of \$20,000 in local match will be provided from "in-kind" resources such as staff time, office space, and utilities from Environmental Health. The grant requirement for match will have no impact on current City budgets.

Due to time constraints the grant application has been submitted to the EPA. Administrative Regulation AR 61 provides authority for the City Manager to waive the provision for prior formal approval by the City Council of grant applications in those circumstances where such approval will result in a delay which will jeopardize or invalidate the application. Such applications shall be placed on the next available City Council agenda. If the grant is awarded the contract will be reviewed by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7-0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 505

CHANGE ORDERS

WATER SUPPLY LINE TO SERVE SKYWAY INDUSTRIAL PARK - NORTH OF K-42 HIGHWAY, EAST OF MAIZE ROAD. (DISTRICT IV)

Agenda Report No. 03-0818

On November 19, 2002, the City Council approved a construction contract for a water supply line to serve Skyway Industrial Addition, a new industrial park located north of K-42 Highway, east of Maize Road. Because of recent platting activity, it is recommended that the pipeline be extended west to serve future development to the west of Maize Road.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$23,039. The funding source is the Water Utility.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized.
Motion carried 7-0.

REIMNIGTON PLACE **STREET PAVING IN REMINGTON PLACE ADDITION - SOUTH OF 21ST, EAST OF WEBB. (DISTRICT II)**

Agenda Report No. 03-0819

On February 4, 2003, the City Council approved a construction contract to pave streets in Remington Place Addition, a new residential development located south of 21st, east of Webb. The developer of the addition has requested that the project be expanded to include an earth berm to screen the homes from an adjacent collector street.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$22,661. The funding source is special assessments.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized.
Motion carried 7-0.

SEWAGE PLANT

ASSIGNMENT OF AGREEMENT - SEWAGE TREATMENT PLANT NO. 1 MODIFICATIONS.

Agenda Report No. 03-0820

On September 10, 2002, City Council authorized improvements to Sewage Treatment Plant No. 1 (Phase I) to be done as design/build in accordance with Charter Ordinance 111. On May 6, 2003, City Council approved an Agreement with CAS/HDR as the Design/Build team to evaluate concepts, perform value engineering and cost estimating, and prepare preliminary design documents for improvements to the plant.

The delivery method for the project has since been changed to Design-Bid-Build. To preserve the ability of CAS Construction to compete for work during the 'build' phase, CAS/HDR is requesting that all rights and responsibilities under the current Agreement be assigned solely to HDR Engineering.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 506

The Agreement for Phase I of the improvements (CIP S-523) is for \$50,000 with no change in the original cost of the project.

Motion--
--carried

Mayans moved that the Assignment be approved and the necessary signatures be authorized. Motion carried 7-0.

GILBERT & MOSLEY GILBERT AND MOSLEY - WATER CENTER FURNITURE.

Agenda Report No. 03-0822

The Wichita Area Treatment and Environmental Remediation Center, (W.A.T.E.R) Center, located at 101 East Pawnee, houses the Remediation System and Education Center for the Gilbert & Mosley Groundwater contamination site. The construction of the WATER Center is nearing completion. The Design/Build method of project development and management has allowed the City to maximize the use of project funds. The Department of Environmental Health and the contractor (Camp Dresser & McKee) have \$21,000 available from the construction contract to divert for capital purchase of equipment/furniture for the class/conference room, such as tables, chairs, desks, podium and various visual aid equipment, to fulfill the facility's function as an education and community center.

This change in the use of funds will not increase the current project budget. It will allow Purchasing to complete change orders to the existing project budget and seek competitive bids for equipment/furniture items as specified by Environmental Health staff. The expenditure will not alter the ability of the Fund to pay for groundwater cleanup or site remediation, but will make the WATER Center a functionable public location.

The funds for capital improvements (equipment and furniture) were originally designated in the 2002 budget. However, those funds were used for emergency construction of a water main and service line to a residential area not served by public water supply in the Gilbert and Mosley site to protect residents from exposure to contaminated groundwater from a domestic water well used for consumption. Funds are available in the approved project budget for requested equipment/furniture. The project budget will not be exceeded.

Motion--carried

Mayans moved that the purchase be approved. Motion carried 7-0.

STREET REHAB. 2003 STREET REHABILITATION PROGRAM. (DISTRICT II)

Agenda Report No. 03-0823

On January 7, 2003, the City Council approved the 2003 Street Rehabilitation Program. The approved locations were: Meridian, MacArthur to Carey Lane, Kellogg Drive, from Greenwich to Zelta, and 127th Street East, from Rocky Creek Parkway to 21st.

Based on better than expected bid prices, funds are available to do an additional location. It is recommended that Brookhaven, from Harry and Lincoln, be added to the program. Brookhaven is an old County asphalt mat road that is in very poor condition. It serves as the primary connector street between Harry and Kellogg, east of 143rd Street East.

The \$300,000 project budget is unchanged.

Motion--
--carried

Mayans moved that the project revision and first reading of the Ordinance be approved. Motion carried 7-0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 507

CHDO

CHDO OPERATING GRANTS. (DISTRICTS I, III, IV, V, AND VI)

Agenda Report No. 03-0824

April 1, 2003, the City Council approved final allocations under the 2003-2004 Consolidated Plan, which included \$97,102 of Home Investment Partnership Program (HOME) funds for operational support funding for City-designated Community Housing Development Organizations (CHDO's). In order to receive operational support funding, a CHDO must be under contract to receive HOME funding for investment in housing to be developed, sponsored, or owned by the organization. Under HOME regulations, operating expenses are defined as reasonable and necessary costs for the operation of the CHDO. Expenses may include salaries, wages, and other employee compensation and benefits. Expenses for education, training, travel, rent, utilities, communications costs, taxes, insurance equipment, materials and supplies are also eligible.

Applications were issued to City CHDO's receiving project development funding from the City's HOME program. CHDO's applying for project funding under the 2003-2004 Consolidated Plan were also notified. Applications were received from 3 organizations: Mennonite Housing Rehabilitation Services, Inc., Power CDC, Inc., and Community Housing Services of Wichita/Sedgwick County.

A staff review panel reviewed the proposals and makes the following recommendations for funding:

Mennonite Housing Rehabilitation Services (MHRS), \$32,367.33, in order to continue staff support for the organization's 2002 LIA Single-Family Development Project, Northeast/Midtown North and Hilltop Local Investment Area redevelopment projects, as well as a new LIA Single-Family Development Project to be carried out with 2003-2004 HOME Funding. Current operational funding is being utilized to partially fund the salary of MHRS' project coordinator. The project coordinator works to promote projects, identify potential homebuyers, works with buyers to obtain permanent financing, identifies potential project sites, and resolves lot split and utilities access issues.

MHRS recently completed 10 new homes under a development agreement for the Orchard Breeze Local Investment Area, has completed 9 new homes under its 2000-2001 Northeast/North Central Development contract, with 2 additional homes in progress, has acquired sites for up to 6 new units to be constructed under its 2001-2002 Hilltop Development Project Contract. MHRS has also completed 3 homes under its 2002-2003 funding agreement, with sites acquired for 8 additional homes. MHRS has completed 4 projects to date, utilizing the Boarded-up HOME Program.

Power CDC, \$32,367.34, in order to provide staff funding support for the completion of its 2002-2003 Single Family Housing Development Project in the Northeast Local Investment Area, specifically the McAdams area.

Power CDC recently completed construction and re-sale of 6 homes in the 1200 block of north Ash under a HOME funding agreement for the Northeast Local Investment Area. Power has also completed 4 homes utilizing the Boarded-up HOME program, and has acquired sites for the development of 10 new homes in the McAdams area, utilizing funding from its 2002-2003 agreement.

Community Housing Services (CHS), \$32,367.33, in order to provide staff funding in connection with the organization's 2003-2004 HOME funding allocation for the renovation/re-sale of single family homes in the Northeast and North Central Local Investment Areas.

CHS has completed rehabilitation/re-sale of 3 homes under a previous agreement and has acquired two additional homes for rehabilitation. CHS is in the process of acquiring 1 site through the Boarded-up HOME program. The organization continues to build capacity to undertake additional projects, and has received CHDO set-aside funding in the amount of \$200,000 from the City's 2003-2004 HOME grant.

Funding for these allocations will come from the 2003-2004 HOME Grant, as allocated by the City Council. Funding will be made available under contractual agreements that will become effective August 5, 2003, if approved by the City Council.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 508

Motion--
--carried

Mayans moved that the funding allocations be approved; negotiation of Agreements and necessary signatures be authorized. Motion carried 7-0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 03-0825

On April 7, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on the properties a, b, and c below. On May 6, 2003, these properties were on the Consent Agenda to set a hearing date. The Council Hearing was held on June 17, 2003, for addresses a, b, and c listed below, and resolutions were adopted condemning all three properties. Subsequent to the hearing, staff discovered that the resolutions had not been published within the time frame required by law.

On June 2, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on property "d." On June 17, 2003, this property was on the Consent Agenda to set a hearing date for August 5, 2003; however, prior to the hearing staff discovered that timely publication was not made on this item.

These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. A condemnation hearing was previously held on these properties. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 617 N. Grove	I
b. 932 N. Ohio	I
c. 2027 N. Grove	I
d. 3054 N. Park Place	VI

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration. Staff now has in place procedures to assure timely publications.

Motion--
--carried

Mayans moved that the Resolution (s) setting the Public Hearing on September 16, 2003, at 9:30 a.m. or soon thereafter be adopted. Motion carried 7-0.

RESOLUTION NO. 03-402

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 53-55, Stites now Grove Avenue, Stites Bros. Second Addition, Sedgwick County, Kansas, known as 617 North Grove, , in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-403

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 26-28, Moore's Second Addition, Wichita, Sedgwick County, Kansas, known as 932 North Ohio, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 509

RESOLUTION NO. 03-404

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 7, Block 5, Builders Second Addition, Sedgwick County, Kansas, known as 2027 North Grove, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-406

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 1-2, Block 27, Jones Park Addition, Sedgwick County, Kansas, known as 3054 North Park Pl., in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

Agenda Report No. 03-0826

On July 7, 2003 the Board of Code Standards (BCSA) held a hearing on the following seven (7) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 542 North Spruce	I
b. 655 North Estelle	I
c. 1631 North Minnesota	I
d. 1822 East 22nd St. N.	I
e. 149 South Mt. Carmel	IV
f. 2564 South Mosley	III
g. 1416-18 South Bluffview	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--
--carried

Mayans moved that the Resolution (s) setting the Public Hearing on September 16, 2003, at 9:30 a.m. or soon thereafter be adopted. Motion carried 7-0.

RESOLUTION NO. 03-396

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 22 and 24, on Spruce Street, Stites Bros Second Addition, Sedgwick County, Kansas, known as 542 North Spruce, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 510

RESOLUTION NO. 03-397

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 77 and 79, on Mabel now Estelle Avenue, Mossman's Second Addition, Sedgwick County, Kansas, known as 655 North Estelle, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 03-398

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 14, Block D, Millair Addition, Sedgwick County, Kansas, known as 1822 East 22nd Street, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-399

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 26, 28 and 30, on Henry now Mt. Carmel Avenue, Smithson's Subdivision of Smithson's Addition, Sedgwick County, Kansas, known as 149 South Mt. Carmel, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 03-400

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 33, Block 1, Purcell's Third Addition, Sedgwick County, Kansas, known as 2564 South Mosley, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-401

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 26, Block G, in Hilltop Manor a replat of part of Hilltop Manor, Second Addition, Sedgwick County, Kansas, known as 1516-18 South Bluffview, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 511

RESOLUTION NO. 03-405

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 71 and 73, Block 7, Kansas Addition, to the City of Wichita, Sedgwick County, Kansas, known as 1631 North Minnesota, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

BIKE PATH

AMENDING RESOLUTION - BIKE PATH ALONG CHISHOLM CREEK - FROM GROVE PARK TO OLIVER. (DISTRICT I)

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7-0.

RESOLUTION NO. 03-423

A Resolution amending Resolution No. R-99-512 pertaining to certain improvements to construct a bike path along K-96 Freeway and Chisholm Creek from Grove Park to Oliver Street (472-83018) and authorizing the issuance of Bonds by the City of Wichita at Large, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 15, 2003)

- a) Zon2003-03 - South Side Of 31st Street South, West Side Of Maize Road. (District Iv)

ORDINANCE NO. 45-770

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-03)

- b) Pud2003-01 - North Side Of Kellogg, West Of Rock Road. (District Ii)

ORDINANCE NO. 45-771

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (PUD2003-01)

- c) Zon2003-00027 - North Of 31st Street South Between K-15 And Hillside. (District Iii)

ORDINANCE NO. 45-770

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed on its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-00027)

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 512

Charter Ordinance (First Read July 15, 2003)

CHARTER ORDINANCE NO. 197

A Charter Ordinance of the City of Wichita, Kansas, relating to the membership of the board of appeals of plumbers and gas fitters; amending section 4 of charter ordinance no. 106; and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PLANNING AGENDA

DED2003-14

DED2003-14 - DEDICATION OF UTILITY EASEMENT - WEST OF MERIDIAN, NORTH OF CENTRAL. (DISTRICT VI)

Agenda Report No. 03-0831

As a requirement of Lot Split No. SUB 2003-63, this Dedication is being submitted for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7-0.

ZON2003-30

ZON2003-30 - ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL - SOUTHEAST CORNER OF CENTRAL AND BAEHR. (DISTRICT IV)

Agenda Report No. 03-0832

The applicant requests a zone change from "SF-5" Single Family to "LC" Limited Commercial on a 0.29 acre platted tract located at the southeast corner of Central and Baehr. The applicant intends to develop the subject property with a commercial building per the attached site plan for lease to undetermined commercial businesses.

The surrounding area is characterized by primarily commercial uses along Central, with residential uses located on the interior properties beyond the commercial frontage. The property to the east is zoned "LC" Limited Commercial and is developed with a retail business. The property to the south is zoned "SF-5" Single Family and is developed with a single family residence. The property to the west across Baehr is zoned "GO" General Office and is developed with an office building. The properties to the north across Central are zoned "LC" Limited Commercial and "SF-5" Single Family and are developed with a retail business and a church, respectively.

The Unified Zoning Code (UZO) requires a compatibility setback of 24 feet along the south property line, where the subject property adjoins residential property; however, the UZO allows the Planning Director with the concurrence of the Zoning Administrator to reduce or waive the compatibility setback. For the subject property, planning staff recommends that the compatibility setback be reduced to no less than 10 feet and that the compatibility setback reduction be conditioned upon approval of the height and design of the building and an increase in the required landscaping to ensure compatibility of the commercial building with the abutting single family residence.

The subject property currently provides 40-feet of half-street right-of-way for Central, which is 20 feet less than recommended by the Access Management Policy. Since the applicant purchased the subject property from the City and the City kept five feet along the north property line and a 15-foot corner clip for street right-of-way, planning staff does not recommend requiring the applicant to dedicate additional

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 513

street right-of-way for Central. Since Baehr is unpaved, planning staff recommends that the applicant be required to dedicate complete access control along Baehr until such time as the street is paved and that the applicant be required to submit a “no protest” petition for the paving of Baehr. The Access Management Policy indicates that the first access drive to Central should be located 200 feet east of Baehr; however, the subject property has only 135 feet of frontage along Central and no method of acquiring access other than direct street access. Therefore, planning staff recommends that one access drive be permitted to Central and that the access drive be required to align with the Baehr intersection on the north side of Central. Planning staff also recommends that the applicant be required to dedicate a cross-lot access easement for the commercial property to the east.

District Advisory Board IV (DAB IV) heard the zone change request on July 2, 2003, and voted (8-0) to recommend that zone change request be approved subject the conditions recommended by planning staff, except that access should be permitted to Baehr without requiring the street to be paved and cross-lot access to the east should be required only when the property to the east redevelops. The Metropolitan Area Planning Commission (MAPC) heard the zone change request on July 10, 2003, and voted (12-0-1) to recommend that the request be approved subject to meeting the following conditions within 60 days of approval:

Submittal of a “no protest” petition for the paving of Baehr.

Dedication by separate instrument of access control along subject property’s Central frontage except of one opening aligned with the Baehr intersection on the north side of Central.

Dedication by separate instrument of a cross-lot access easement for the commercial property to the east to be effective at such time as the commercial property to the east redevelops.

Return the application to the MAPC for reconsideration

Motion--
--carried

Mayans moved that the Zoning change, subject to the recommended conditions and the first reading of the Ordinance be approved. Motion carried 7-0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. ZON2003-30, introduced and under the rules laid over.

ZON2003-31

ZON2003-31 - ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL -NORTHWEST OF THE MAIZE ROAD/K-42 HIGHWAY INTERSECTION. (DISTRICT IV)

Agenda Report No. 03-0833

The applicant is seeking “LI” Limited Industrial zoning for an eight acre unplatted tract located north of Highway K-42 and approximately 600 feet west of Maize Road. The property is currently zoned “SF-6” Single-family Residential, and is undeveloped. The applicant’s agent indicates that there is not an identified user at this time. However, the applicant owns the land east of the application area that is zoned “LI” Limited Industrial, and the applicant desires to have his entire ownership uniformly zoned. Access to the site could be off of Highway K-42 or Maize Road as there is a frontage road that connects this property to both K-42 and Maize Road.

Property to the north is part of the Harvest Ridge Addition plat, and is currently zoned “LI” Limited industrial, but was the subject of a recent rezoning to “SF-5”, Single-family Residential, subject to completing the plat. Land to the west is zoned “SF-5” Single-family Residential, and is also part of the pending Harvest Ridge Addition that received MAPC approval in January 2003. It is staff’s understanding that the Harvest Ridge development is under the same ownership as this applications area or this applicant is a partner in the Harvest Ridge project. A narrow strip of land to the south is zoned

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 514

“LI” Limited Industrial, with the rest of the land to the south zoned “SF-20”. Land to the east is zoned “LI”.

The Unified Zoning Code (UZO) requires screening to be located between single-family residential and two-family uses, and all other uses. In this instance, required screening can be of fencing 6-8 feet tall (constructed of brick, stone, concrete masonry, stucco, concrete or wood), evergreen vegetation, landscaped berms or some combination of the three. Loading docks, trash receptacles, ground and/or roof level heating / air conditioning, mechanical equipment, free-standing coolers or refrigeration units, outdoor storage or work areas located within 150 feet of residential zoning must be screened.

The UZO also requires compatibility building setbacks along the side and rear lot line of “SF-5” or “TF-3” zoning of a minimum of 15 feet plus one foot for each five feet of lot width over 50 feet up to a maximum of 25 feet. Compatibility height standards state no structure shall exceed 35 feet in height within 50 feet of the lot line of property zoned “TF-3” or “SF-5”. Structures located 50 feet from the lot line can increase in height at a ratio of 1 foot in height for every 3 feet of setback. Noise compatibility standards prohibit sound amplification systems if the sound can be heard within any residential zoning. Buffer landscaping will be required along the north and west sides.

The MAPC heard this request on July 10, 2003, and recommend approval (12-0-1) subject to the findings contained in the staff report. No one other than the agent for the applicant spoke for or against the request. No written protests have been received.

Motion--
--carried

Mayans moved that the Zoning change, subject to platting within one-year be approved and that the Ordinance and Plat be forward to City Council. Motion carried 7-0.

CUP2003-33

CUP2003-33 - (ASSOCIATED WITH ZON2003-33) – AMENDMENT TO DP-9 WESTLINK C.U.P. AND A ZONE CHANGE TO GENERAL COMMERCIAL - SOUTHWEST CORNER OF CENTRAL AND TYLER. (DISTRICT V)

Agenda Report No. 03-0834

The applicant requests an Amendment to Parcel 1 of DP-9 Westlink Center CUP and a zone change to “GC” General Commercial for a portion of the subject property. The subject property is located at the southwest corner of Central and Tyler and is developed with a shopping center that includes Westlake Ace Hardware.

The surrounding area is characterized by commercial uses at the intersection of Central and Tyler. All surrounding properties are zoned “LC” Limited Commercial or “GC” General Commercial. Surrounding properties primarily are developed with various commercial uses, with multi-family residential located south of the subject property.

The applicant proposes a 14,650 square-foot outdoor nursery and garden center and a 4,500 square-foot outdoor storage area for Ace Hardware. The outdoor nursery and garden center is proposed to be seasonal and used for a maximum of 150 days per year. Landscaping is proposed along Tyler Road adjacent to the seasonal nursery and garden center. An 8-foot high screening fence is proposed around the outdoor storage area, with no stored materials exceeding the height of the screening fence. The applicant submitted the attached site plan illustrating the proposed uses and the attached CUP drawing describing the proposed uses.

Outdoor display of merchandise is permitted within 10 feet of a building on property zoned “LC” Limited Commercial; however, if the outdoor display area is not located within 10 feet of the building, approval of a CUP amendment is required. The Unified Zoning Code contains 11 Supplementary Use Regulations for outdoor nurseries and garden centers located on property zoned “LC” Limited Commercial. The applicant proposes a modification to one of the Supplementary Use Regulations. Section III-D.6.z.(3) requires a 25-foot setback from public right-of-way for the outdoor display area; however, the applicant proposes no setback for the outdoor display area. A Supplementary Use Regulation can be modified by the City Council upon receiving a favorable recommendation from the

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 515

MAPC. Planning staff recommends the proposed modification, because meeting the setback requirement would create a site circulation problem for large vehicles, including emergency vehicles.

Outdoor storage is only permitted in the "LC" Limited Commercial zoning district if the storage area is attached to the building, is screened, and does not exceed 20% of the floor area of the building (if approved by CUP amendment). Since the back of the Ace Hardware building contains loading docks, the outdoor storage area cannot be attached to the building. The applicant proposes a 4,500 square-foot outdoor storage area to be located south of the service drive at the rear of the Ace Hardware. The proposed outdoor storage area meets the screening and size requirements; however, since the outdoor storage area is not attached to the building, it can only be permitted with approval of the requested "GC" General Commercial zoning.

District Advisory Board V (DAB V) considered the zone change and CUP amendment requests on July 7, 2003, and voted (4-1) to recommend that the requests be approved subject to the conditions recommended by staff, except that the outdoor display area be permitted for 150 days per year as requested by the applicant. The Metropolitan Area Planning Commission (MAPC) considered the zone change and CUP amendment requests on July 10, 2003, and voted (12-0-1) to recommend that the requests be approved subject to the following conditions:

1. Condition #3 for outdoor display and storage shall be changed as follows: "The seasonal nursery and garden center shall conform to all requirements of Section III-D.6.z. of the Unified Zoning Code, except that no setback for the outdoor display area shall be required along Tyler."
2. A condition for outdoor display and storage shall be added as follows: "Non-living material shall only be displayed in the 3,900 square-foot seasonal display area located immediately east of and abutting the building."
3. The development of this property shall proceed in accordance with the approved development plan, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
4. Any major changes in the development plan shall be submitted to the Planning Commission for consideration.
5. The applicant shall submit four 24" x 36" folded copies and one 11" x 17" copy of the CUP to the Metropolitan Area Planning Department within 60 days after approval, or the request shall be considered denied and closed.

Motion--
--carried

Mayans moved that the Zoning change, C.U.P. Amendment, subject to recommended conditions and first reading of the Ordinance be approved. Motion carried 7-0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. .
ZON2003-33

CUP2003-23

CUP2003-23 - DP265- CREATION OF CRYSTAL CREEK COMMERCIAL PLAZA COMMUNITY UNIT PLAN.

Agenda Report No. 03-0835

The applicant is requesting to create DP-265 Crystal Creek Community Unit Plan, Greenwich by a narrow strip zoned for residential use and accessing the property north and a traditional 600x600 commercial tract on the northwest corner of the intersection held under separate ownership.

Maximum building coverage is 30 percent; floor area ratio is 35 percent. Maximum height is 45 feet. The C.U.P. includes provisions for landscaping per Landscape Ordinance of the City of Wichita, lighting limited to 24 feet in height, architectural compatibility among the tracts and use of materials similar to nearby residential areas. Requested signage exceeds standard City of Wichita signage

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 516

requirements. No screening wall is proposed. The north and west property lines border the drainage easement for Spring Branch to Four-Mile Creek, which forms a buffer about 180 feet in width between the single-family lots to the north.

Requested zoning was "LC" Limited Commercial. Uses proposed for exclusion are adult entertainment, bars and taverns, group homes, group residences and correctional placement residences. The easterly four lots are situated north of DP-243 Smithmoor Commercial C.U.P., and the westerly two lots are directly north of Smithmoor First Addition, a single-family neighborhood zoned "SF-5". Zoning on tracts in Smithmoor Commercial south of the proposed C.U.P. ranges from "LC" on the east, to "NR" Neighborhood Retail, and "GO" General Office for the westernmost tract. This tract is developed with a real estate office with residential design of the structure. The property to the north and west is zoned "SF-5" and proposed for development as Crystal Creek Addition, a single-family subdivision.

At the MAPC meeting held May 22, 2003, staff discussed a change in the recommended zoning. The recommendation in the staff report was for "GO" for Parcels 1-2, "NR" for Parcels 3-4 and "LC" for Parcels 5-6; but staff had modified the recommendation to "LC" for all parcels, but with restrictions on Parcels 1-3 (contained in Item B.5) of prohibiting drive-in or drive-through restaurants, auto-related uses and uses with overhead doors, and no uses allowed to exceed 8,000 square feet in size. Banks with drive-through windows would be permitted. Signage was modified to allow 160 square feet of signage for each parcel, but with a maximum of 0.8 of lineal frontage for total frontage on Harry. MAPC voted (12-0) to recommend approval subject to platting within one year and to the following conditions:

- A. APPROVE the zone change (ZON2003-00023) to "LC" Limited Commercial subject to platting of the entire property within one year.
- B. APPROVE the Community Unit Plan (DP-265), subject to the following conditions:
 1. Transportation requirements:
 - a. The CUP must ensure that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
 - b. Guarantee for right-turn deceleration lanes with 100 feet of storage and 150 feet of taper to the entrances.
 - c. Guarantee for center left-turn lane along the property.
 - d. Provision of a traffic impact study is not required if the applicant accepts the above recommendations.
 2. General Provision #7 shall be amended as follows:
 - a. Add the word "monument" to GP#7A to clarify that one monument sign is permitted for each parcel. Monument signage shall be subject to the following area restrictions:
Parcel 1: 160 sq. ft. of signage (total)
Parcel 2: 160 sq. ft. of signage
Parcel 3: 160 sq. ft. of signage
Parcel 4: 160 sq. ft. of signage
Parcel 5: 160 sq. ft. of signage
Parcel 6: 160 sq. ft. of signage
 - b. Add to B: "and the total square footage of monument signs shall not exceed 80 % of arterial street frontage."
 - c. Insert the word "Interior" to GP#7E to clarify the provision applies to interior window display signs
 - d. Limit the maximum height of monument signs to 20 feet.
 2. Clarify General Provision #10 as follows: " and shall comply with the Unified Zoning Code standards in Art. IV, Sec. IV-B.4." Add to GP#10A as follows: "Limited height of light poles to 24 feet, including pole base."
 3. Add to General Provision #14: " , with these areas being screened by a screening wall consisting of materials similar to the materials of the main structure and being connected to the building whenever possible." The intent of this requirement is to provide screening that meets the intent of the Unified Zoning Code Art. III, Sec. III-C.2.b(2)(d) without provision of a solid screening wall in those areas where over 100 feet of open space separates the residential zoning from the commercial zoning.
 4. Add to General Provision #15: All parcels shall share a similar landscape palette.
 5. Modify General Provision #17 by replacing the first sentence to state "The uses allowed shall be those permitted by-right in the zoning district." Add the following: "On Parcels 1-3, restaurants

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 517

shall not be permitted with drive-up window service or in-vehicle food service; delivery and carry-out services are acceptable. No auto-related uses and/or uses with overhead doors shall be permitted. No individual commercial use shall exceed 8,000 square feet of gross floor area.”

6. Add to General Provision #23: The pedestrian walk system shall link proposed buildings with the entrances and sidewalks along Harry Street and shall be assured by required submission and approval of circulation plans by the Planning Director prior to issuance of any building permits.”

7. The height of buildings in Parcels 1-4 shall be limited to 35 feet.

8. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

9. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

10. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

11. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-265) includes special conditions for development on this property.

12. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

At the District Advisory II Board meeting held June 5, 2003, DAB II voted (7-0) to approve the requested zone change and creation of DP-265 Crystal Creek subject to the conditions recommended by MAPC. DAB members asked questions about the transportation improvements and access. Citizens were present but did not request to speak.

The western portion of the property was annexed to the city of Wichita on July 18, 2003, making the entire tract within the city of Wichita. A plat is being forwarded to the Wichita City Council for action on August 5, 2003. Action on the plat would need to occur subsequent to the decision on this case.

Motion--

Mayans moved that the Zoning change and C.U.P., subject to platting within one-year and recommended conditions be approved and the Ordinance and plat be forwarded to City Council.

--carried

Motion carried 7-0.

SUB2002-134

SUB2002-134 - PLAT OF ANN VALENTA ADDITION - SOUTHEAST AND SOUTHWEST CORNERS OF KELLOGG AND OLIVER. (District III)

Agenda Report No. 03-0836

This site is a replat, consisting of 3 lots (5.5 acres). The site has been approved for a zone change (ZON 2002-26) from LC, Limited Commercial District and MF-29, Multi-Family Residential District to LC, Limited Commercial District. The site is also subject to the Oliver Retail Center Community Unit Plan (CUP 2002-20, DP-261). A CUP Certificate has been submitted.

Petitions, all 100%, have been submitted for paving improvements. A Certificate of Petitions was provided. In order to guarantee the closure of a drive required by access control being dedicated by this plat, a Drive Approach Closure Certificate was submitted. A Cross-lot Access and Easement has been submitted to provide internal vehicular movement. Temporary Easements have been submitted to cover the existing sewer line to be abandoned.

The City of Wichita has indicated as holding an interest in this property's ownership and is shown as one of the site's platters.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 518

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds

The CUP Certificate , Certificate of Petitions, Drive Approach Closure Certificate, Cross-lot Access and Easement and Temporary Easements will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the plat and first reading of the ZON2002-26 Ordinance be approved; the necessary signatures be authorized and the Resolutions be adopted Motion carried 7-0.

RESOLUTION NO. 03-424

Resolutions of findings of advisability and Resolution authorizing improving accel/decel lane on the west side of Oliver from Kellogg to the right-in/right-out major entrance, (at Oliver, south of Kellogg) 472-83825, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-425

Resolutions of findings of advisability and Resolution authorizing improving accel/decel lane on the east side of Oliver from Eilerts to the right-in/right-out major entrance drive, (at Oliver, south of Kellogg) 472-83826, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-426

Resolutions of findings of advisability and Resolution authorizing Dellrose Avenue at the southwest corner of Lot 2, Block A, Ann Walenta Addition, Wichita, Sedgwick County Kansas (at Oliver, south of Kellogg) 472-83827 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. ZON2002-26

SUB2003-28

SUB2003-28 - PLAT OF CRYSTAL CREEK ADDITION - NORTH OF HARRY, WEST OF GREENWICH ROAD. (District II)

Agenda Report No. 03-0837

This site, consisting of 83 lots (43.98 acres), has recently been annexed into the City. This plat is subject to the Crystal Creek Community Unit Plan (CUP 2003-23, DP-265). A CUP Certificate has been submitted. A zone change (ZON 2003-23) from SF-20, Single-Family Residential District (Lots 1, 2, and 3, Block D) and from SF-5, Single-Family Residential District (Lots 3, 4, 5 and 6, Block D) to LC, Limited Commercial District has been approved.

Petitions, all 100%, have been submitted for sanitary sewer, water, pavement, drainage and traffic improvements. A Certificate of Petitions has been provided. Restrictive Covenants were submitted to: 1) provide for the ownership and maintenance of reserves; and 2) provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. In order to provide shared access to Harry Street, a Joint Access Easement was submitted for Lots 1-6. A Cross-Lot Access and Easement was also submitted to provided for ingress and egress between Lots 1-6.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 519

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The CUP Certificate, Certificate of Petitions, Restrictive Covenants, Joint Access Easement and Cross-Lot Access and Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the plat and first reading of ZO2003-23 Ordinance be approved; the necessary signatures be authorized and the Resolutions be adopted. Motion carried 7-0.

RESOLUTION NO. 03-427

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89859 (north of Harry, west of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-428

Resolution of findings of advisability and Resolution authorizing construction of Lateral 354 Four Mile Creek Sewer , 468-83677, (north of Harry, west of Greenwich) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-429

Resolution of findings of advisability and Resolution authorizing construction of Lateral 355 Four Mile Creek Sewer, 468-83678, (north of Harry, west of Greenwich) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-430

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 212, 468-83679, (north of Harry, west of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-431

Resolution of findings of advisability and Resolution authorizing improving Shiloh Street from Harry to the north line of the Plat, on Boston and Zimmerly from the east line of Shiloh Street, to the east line of Shiloh Street. On Shiloh Court from the west line of Shiloh Street, to and including cul-de-sac. on Boston Court from the north line of Boston, to and including cul-de-sac. Sidewalk on one side of Shiloh Street, Boston and Zimmerly, 472-83818, (north of Harry, west of Greenwich) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 520

RESOLUTION NO. 03-432

Resolution of findings of advisability and Resolution authorizing constructing left turn bay improvements on Harry to serve Shiloh, 472-83819, (north of Harry, west of Greenwich, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. ZON2003-30. ZON2003-23

SUB2003-36

SUB2003-36 - PLAT OF JAMES KROK ADDITION - SOUTH SIDE OF 47TH STREET SOUTH, EAST OF GREENWICH ROAD.

Agenda Report No. 03-0838

This site, consisting of 1 lot (5.02 acres), is located within three (3) miles of the City of Wichita.

This site has been approved for on-site sewerage facilities. Petitions, all 100%, have been submitted for future sanitary sewer and water improvements. A Certificate of Petitions has been provided. As required by the drainage plan for this site, a Cross-lot Drainage Agreement was provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Cross-lot Drainage Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the plat be approved; the necessary signatures be authorized and the Resolutions be adopted. Motion carried 7-0.

RESOLUTION NO. 03-433

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89858, (south of 47th Street South, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-434

Resolution of findings of advisability and Resolution authorizing construction of Lateral 353 Four Mile Creek Sewer, 468-83676, (south of 47th Street South, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 521

VAC2003-19

VAC2003-19 - REQUEST TO VACATE BYRON AVENUE - SOUTHWEST OF THE TYLER ROAD-KELLOGG (US 54) INTERSECTION. (DISTRICT IV)

Agenda Report No. 03-0839

The applicants are requesting to vacate the Byron Street right-of-way, south of Kellogg/US-54, for the future development as a parking lot. Reversion rights would be to the abutting properties, all in the Westport Addition, which was recorded May 28, 1953.

Byron Street is an unimproved ROW, at this location, that dead ends into Reserve A of the Westport Addition and has uncontrolled access onto Kellogg Drive. The ROW is 65.7-feet wide and 250-feet deep. A portion of Byron north of Kellogg to Dubon Street was previously vacated, V-1102, which prevents Byron from being a through ROW across Kellogg. Byron abuts a drainage easement on its south side, which abuts Railroad ROW, all of which appears to prevent any development south of Byron. Property south of Byron has access off of Tyler to the east.

A portion of this section of Byron was proposed to be vacated, V-1483, but denied by the WCC on 07-26-1988. At that time future plans for improvements to the Kellogg – Tyler Road interchange required a need for additional but undetermined ROW off of Byron. This undetermined need made the request for vacation premature and thus the denial. Drainage and utilities were in the ROW at that time and remain in the ROW now.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds, Retain that a portion of the vacated street ROW as a utility and drainage easement as described in the approved survey

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures be authorized.
Motion carried 7-0.

VAC2003-29

VAC2003-29 - REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT - BETWEEN HARRY STREET AND ESTHNER AVENUE, WEST OF SHERIDAN, AND APPROXIMATELY 160-FEET EAST OF SABINE/ESTHNER AVENUE INTERSECTION. (DISTRICT IV)

Agenda Report No. 03-0840

The applicant is requesting consideration for the vacation of the east 2 feet (x) 511.3 feet of the platted 23-foot easement as recorded on Lot 1, Sherwood Industrial Park III. Sherwood Industrial Park III was recorded with the Register of Deeds 09-15-1987.

The applicant requests the vacation to remove a new building out of the easement. There is sewer in the easement proposed for vacation. The applicant owns the abutting western properties, Lots 3, 4, & 5, Block 1, Wichita Builders Addition, which run the length of the proposed vacated easement. Dedication of 2-feet to the remaining easement (21-feet) would be on these western properties, which would allow the easement to maintain its prevacated 23-feet width.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 522

A certified copy of the Vacation Order and a Dedication of a Utility Easement will be recorded with the Register of Deeds

Motion-- Mayans moved that the Vacation Order be approved and the necessary signatures be authorized
--carried Motion carried 7-0.

VAC2003-43

**VAC2003-43 - REQUEST TO VACATE PORTIONS OF THE PLATTED FLOODWAYS -
SOUTHWEST OF THE 13TH STREET NORTH/MAIZE ROAD INTERSECTION.
(DISTRICT V)**

Agenda Report No. 03-0841

The applicant is requesting consideration to vacate the platted floodways located on the southwestern and south central areas of Lot 1, Maranatha Addition, West Evangelical Free Church, 1161 North Maize Road. The Maranatha Addition was recorded November 10, 1980.

The applicant has met with the City of Wichita's Storm Water Management and secured their recommendation for approval of the vacation request. The applicant has also submitted a drainage plan that has been reviewed and approved by the Public Works Engineer. The drainage plan was required to determine what parts of the floodways were to be retained, in particular the floodway located on the southwest portion of the site. The applicant was not able to reach an agreement with the north abutting property owner (Lot 2, Huntington Park Addition) for joint access. The Traffic Engineer has approved the north entrance for right-in – right-out and full movement for the south entrance.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds, dedication by separate instrument an additional 10-foot of right-of-way to Maize Road, to be recorded with the Register of Deeds, retention of that portion of the floodways, per the drainage plan approved by the Public Works Engineer, right-in – right out access on the north ingress-egress.

Motion-- Mayans moved that the Vacation Order be approved and the necessary signatures be authorized.
--carried Motion carried 7-0.

A03-18

**A03-18 - REQUEST TO ANNEX LAND SOUTH OF 37TH STREET NORTH BETWEEN
TYLER ROAD AND MAIZE ROAD. (DISTRICT V)**

Motion -- carried Mayans moved that this Item be deferred. Motion carried 7 to 0.

A03-19

**A03-19 - REQUEST TO ANNEX LAND SOUTH OF 37TH STREET NORTH BETWEEN
119TH STREET WEST AND MAIZE ROAD. (DISTRICT V)**

Motion -- carried Mayans moved that this Item be deferred. Motion carried 7 to 0.

A03-20

**A03-20 REQUEST TO ANNEX LAND SOUTH OF 37TH STREET NORTH BETWEEN 119TH
STREET WEST AND MAIZE ROAD. (DISTRICT V)**

Motion -- carried Mayans moved that this Item be deferred. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 523

AIRPORT AGENDA

AIRPORT

UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION-STATE AND LOCAL TASK FORCE AGREEMENT-ADDENDUM.

Agenda Report No. 03-0845

In 1991, the Wichita Airport Authority entered into an agreement with the Drug Enforcement Administration to participate in the area Drug Enforcement Task Force by providing one Airport Officer. The WAA pays the salary of the one officer, and the DEA supervises the officer and pays overtime and gasoline expenses.

The WAA's participation in this effort has been very beneficial to the community and its drug enforcement efforts. The extension is for one year, commencing October 1, 2003, and terminating on September 30, 2004.

The salary of one Safety Officer is paid by the WAA, with up to \$10,105 in overtime paid by the DEA.

Motion--
--carried

Fearey moved that the Addendum No. 1 be approved and the necessary signatures be authorized.
Motion carried 7-0.

LIABILITY INS.

AIRPORT LIABILITY INSURANCE

Report No. 03-0846

In July 2000, the City entered into a three-year premium guarantee program for Airport Liability coverage with Ace Property and Casualty Insurance Company. The annual premium for \$100 million in coverage was \$33,800. It proved to be extremely beneficial to the City to lock in these rates prior to the tragedies of 9/11. The aircraft liability market has changed dramatically since that time. In expectation of a large increase in pricing at renewal, research was conducted regarding the practices of other airports and the protection offered to Mid-Continent Airport under the Kansas Tort Claims Act. In states with strong tort claims limits, many airports are purchasing large airport liability limits while others are relying upon the protections offered public entities under the various state tort claims limits. Historically, losses at Wichita Mid-Continent Airport have been extremely low. During the policy years of 7/2000-7/2001 and 7/2001-7/2002 the airport incurred an increase in claim costs. Claim payments and reserves for these years were approximately \$47,000 and \$30,000 respectively. The airport claim volume has been extremely low and nearly all claims filed have been the result of accidental tripping, slips, or falls.

There are only three markets for airport liability coverage for facilities the size of Wichita Mid-Continent. They are: Ace, Phoenix Aviation Managers, and AIG Aviation. All these markets provided quotes for insurance. The lowest quote received from the current carrier, Ace, (for equivalent limits of coverage) was nearly twice the expiring premium. These higher costs may be attributed to the September 11 disaster impacts.

The quotes received for \$100 million in airport liability coverage ranged from \$66,515.72 to in excess of \$125,000. There are various options available to the City and the Airport, as follows:

1. Self-insure the liability exposure through the City's Self-Insurance fund.
2. Purchase \$500,000 limit of liability coverage.
3. Purchase \$50,000,000 limit of liability coverage.
4. Purchase \$100,000,000 limit of liability coverage.

Option #1 would treat the general liability exposures of the airport the same as all others of the City. A premium would be assessed to the Airport and transferred to the City's Self-Insurance Fund to provide for defense and payment of their losses. The Airport would incur a \$3,000 deductible per loss. Additional loss and adjusting expenses would be funded from the Self-Insurance Fund. The City would

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 524

avail itself of the protections offered under the Kansas Tort Claims Act that limits loss due to any one occurrence to \$500,000.

Option #2 would transfer the exposure to an insurance carrier with limits equal to that of the Kansas Tort Claims Act. The Airport would pay the premium directly to the carrier, who would handle all loss adjustment, defense, and be responsible for all claims payments. The Airport would incur a \$10,000 deductible per occurrence, not to exceed \$50,000 per year.

Option #3 would transfer the exposure to an insurance carrier with limits of \$50 million. By purchasing insurance in excess of the Kansas Tort Claims Act limitations, the carrier and Airport are waiving the \$500,000 limit and increasing the tort limit to the amount of insurance purchased. This option would provide coverage to pay damages incurred in a catastrophic loss at the airport. This level of coverage would also allow for full reimbursement to airlines if any damage were to be done to an airplane by airport employees working/driving on the runways and taxiways. By purchasing this level of coverage, the City and Airport waive the \$500,000 limitation on any losses covered by the policy. Even if the City can avail itself to the \$500,000 liability limit under the tort claims act, it would be possible to incur substantial legal, expert, and investigator fees in the defense of a claim. Purchasing insurance would provide for payment of the potentially large legal fees associated with an aircraft catastrophe.

Option #4 would transfer the exposure to an insurance carrier with limits of \$100 million. This is the amount of coverage purchased on the expiring policy. All other information listed in Option #3 is also applicable to Option #4.

Airport Staff recommends purchase of the \$100,000,000 limit of liability because a reduction in coverage would be contrary to the trend in the industry.

Option #1: The premium assessment to provide general liability coverage to the airport from the Self-insurance Fund would initially be approximately \$40,000. Since Self-insurance has not received any funds from the Airport in the past, the Self-insurance would require a reserve over a number of years to fund for a large loss. It would be possible, in the short term, for the City to subsidize Airport losses. Any legal, or adjustment expenses incurred would be in excess of the \$500,000 claim limit provided for in the Kansas Tort Claims Act. It is paramount if Airport exposures are added to the Self-insurance fund that this be a long-term relationship whereby the Airport is bound to stay in the Self-insurance program unless the City deems it advantageous to insure all exposures.

Option #2: The premium to purchase limits of \$500,000 (equal to exposure under the tort claims act) would be \$25,000. The carrier would only agree to this lower level of limits if they excluded fire legal liability, increased per occurrence deductible from \$1,000 to \$10,000 and increased the annual deductible aggregate from \$10,000 to \$50,000. This level of premium and change in deductible demonstrates that the carrier does not truly want to write this level of coverage. This option would preserve the City's tort claim limit of \$500,000 per occurrence and pass the exposure to the insurance carrier. In addition, defense costs are outside of the insurance limits. What this means is that the total \$500,000 would be reserved for claims payments. Any expense incurred by the carrier for defense would be in addition to this \$500,000.

Option #3: The premium to purchase \$50 million limits from Ace would be \$39,102. This premium is fairly consistent with the actual claim costs during 2001 and 2002. The advantages of this option are that it would provide for a substantial increase in the insurance available and transfer loss adjustment and defense expense to the carrier. This premium is fairly close to that of the expiring policy and provides substantial loss limits. In addition, due to the increased deductible requirements, coverage reductions, and minimal premium reduction, the purchase of \$50 million in coverage appears to be a much better investment than the purchase of \$500 thousand in limits.

Option #4: The premium for the expiring policy, with \$100 million in limits was \$33,800. Quotes for renewal under the same terms and conditions with Ace was \$66,515.72. Ace no longer has the capacity to write the full \$100,000,000 limit. Purchase of this renewal would result in Ace providing the first \$50 million of coverage and the second \$50 million layer would be provided through Lloyd's and associated syndicates.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 525

The legal department has issued an opinion that they see no risk that the liability limit of \$500,000, as provided in the Kansas Tort Claims Act, could be breached if the exposure were to be added to the City's Self-insurance program.

Motion-- Mayans moved that Option #3, purchase of \$50 million of airport liability coverage from Ace Property and Casualty Insurance Company, approve a revision to the Airport budget to cover the cost of the premium, and necessary signatures be authorized. Motion carried 7-0.
--carried

CONTRACTS

SYSTEM PLANNING CONTRACTS.

Agenda Report No. 03-0847

On August 13, 2002 City Council approved contracts for a series of projects related to airport master planning, terminal area planning and design on Mid-Continent Airport with HNTB.

A supplemental agreement with HNTB has been prepared for a parking revenue analysis which includes 1) a length of stay analysis 2) analysis and recommendations for parking rates for a proposed remote parking lot 3) analysis and recommendations for parking rates for the existing short and long term parking lots 4) analysis of the impact of initiating a no-fee grace period 5) evaluating various methods of operation of the proposed remote parking lot 6) data collected from other airports relating to parking systems, number of parking stalls, and rate structures. Included within the agreement is a presentation of the final report.

The cost of the supplemental agreement is \$24,987 and will be funded with airport revenue. Funds are available within the current budget.

Motion-- Fearey moved that the contracts be approved and the necessary signatures be authorized. Motion carried 7-0.
--carried

SNOW PLOWS

PURCHASE OF MULTI-PURPOSE SNOW REMOVAL UNIT AND TWO SNOWPLOWS.

Agenda Report No. 03-0848

Included in the 2003 Capital Improvement Program is a project to purchase airfield equipment, including one multi-purpose snow removal unit, and two snowplows.

Reliability of equipment is critical during snow removal operations. The new equipment will operate more efficiently and economically. These new pieces of snow removal equipment will enhance an aging fleet of which the great majority is more than 15 years old.

Estimated cost of the equipment is \$1,200,000. Funds will come from Passenger Facility Charge (PFC) collections.

The Law Department will approve the specification.

Motion-- Fearey moved that the purchase of equipment be approved and authorize the staff to solicit bids. Motion carried 7-0.
--carried

EXECUTIVE SESSION

Motion -- Mayans moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and legal advice; and the Council return from executive session in the Council Chambers no earlier than 1:45 p.m. Motion carried 7 to 0.
-- carried

RECESS The City Council recessed at 12:46 p.m. and reconvened at 1:50 p.m.

Vice Mayor Fearey Vice Mayor Fearey announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council adjourned at 1:50 p.m.
Pat Graves, City Clerk/CMC

CITY COUNCIL PROCEEDINGS

JOURNAL 178

AUGUST 5, 2003

PAGE 526